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Local Government Act 2002

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Contents

		Page
1	Title	21
2	Commencement	21
	Part 1 **Preliminary provisions**	
3	Purpose	22
4	Treaty of Waitangi	22
5	Interpretation	22
5A	Temporary definition of public notice as result of outbreak of COVID-19 *[Repealed]*	32
6	Meaning of council-controlled organisation and council organisation	32
7	Exempted organisations	35
8	Act binds the Crown	36
8A	Provisions affecting application of amendments to this Act	37

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Internal Affairs.

Part 2
Purpose of local government, and role and powers of local authorities

9 Outline of Part 37

Subpart 1—Purpose of local government

10 Purpose of local government 37

Subpart 2—Role of local authorities and related matters

11 Role of local authority 37
11A Core services to be considered in performing role *[Repealed]* 38
12 Status and powers 38
13 Performance of functions under other enactments 39
14 Principles relating to local authorities 39

Subpart 3—Co-ordination of responsibilities of local authorities

15 Triennial agreements 40
16 Significant new activities proposed by regional council 41
17 Transfer of responsibilities 43
17A Delivery of services 45

Subpart 4—Minister and Secretary

18 Responsibilities, powers, and duties of Minister 47
19 Secretary 48

Part 3
Structure and reorganisation of local government

20 Outline of Part 48

Subpart 1—Structure of local government

21 Local authorities 48
22 Minister is territorial authority in certain cases 48
23 Description of local government 49

Subpart 2—Reorganisation of local authorities

24AA Purpose of local government reorganisation provisions 50
24 Scope of local government reorganisation 50
24A Transitional modification or suspension of certain statutory requirements after issue of reorganisation plan 51
25 Order in Council to give effect to reorganisation plan 53
25A Order in Council to give effect to reorganisation implementation scheme 54
26 Power to amend reorganisation plans and reorganisation implementation schemes 55
26A Duties of local authorities in relation to local government reorganisation 56
27 Application to be called city council or district council 57

27A Change of name of unitary authorities 58
27B Orders in Council to be published in *Gazette [Repealed]* 58

Subpart 3—Local Government Commission

28 Local Government Commission 58
29 Commission is body corporate with full powers 58
30 Functions and powers of Commission 59
31 Report to Minister on matters relating to local government 59
31A Minister's expectations of Commission in relation to local government reorganisation 59
32 Review of operation of Act and Local Electoral Act 2001 60
33 Membership of Commission 61
34 Additional powers of Commission 62
35 Evidence before Commission 62
35A Application of Official Information Act 1982 62
36 Further provisions relating to Commission and its proceedings 63
37 Appeals against decisions of Commission 63

Part 4
Governance and management of local authorities and community boards

38 Outline of Part 63

Subpart 1—Local authorities

Governance and management

39 Governance principles 63
40 Local governance statements 64

Governing bodies and chief executives

41 Governing bodies 65
41A Role and powers of mayors 65
42 Chief executive 66

Other governance matters

43 Certain members indemnified 68
44 Report by Auditor-General on loss incurred by local authority 68
45 Local authority to respond to Auditor-General 69
46 Members of local authority liable for loss 69
47 Members may be required to pay costs of proceeding in certain cases 70
47A Application of sections 43 to 47 to planning committees under Natural and Built Environment Act 2023 71
48 Further provisions of Schedule 7 71

Subpart 1A—Local boards

48A Application 71
48B Interpretation 72

48C Purpose of local boards 72
48D Unitary authority decision making shared between governing body and local boards 72
48E Membership of local boards 72
48F Indemnification and liability of local board members 73
48G Status of local boards 73
48H Functions, duties, and powers of local boards 73

Decision making

48I General scheme 74
48J Decision-making responsibilities of governing body 75
48K Decision-making responsibilities of local boards 76
48L Principles for allocation of decision-making responsibilities of unitary authority 76

Local boards funding policy

48M Local boards funding policy 77

Local board plans and agreements

48N Local board plans 78
48O Local board agreements 80
48P Consultation required on proposed content of local board agreement 81
48Q Application of Schedule 7 to local boards and their members 81

Disputes between local boards and governing body

48R Disputes about allocation of decision-making responsibilities or proposed bylaws 81
48S Local Government Commission to determine disputes 82

Subpart 2—Community boards

49 Establishment of community boards 83
50 Membership of community boards 83
51 Status of community boards 84
52 Role of community boards 84
53 Powers of community boards 84
54 Application of other provisions to community boards 84

Subpart 3—Register of members' pecuniary interests

54A Register of members' pecuniary interests 85
54B Purpose of register 85
54C Members to make pecuniary interest returns 86
54D Accuracy of information included in pecuniary interest return 86
54E Contents of pecuniary interest return relating to member's position 86
54F Contents of pecuniary interest return relating to member's activities 88
54G Registrar 89

54H Responsibility of members 89
54I Definition of Registrar 90

Part 5
Council-controlled organisations and council organisations

55 Outline of Part 90

Establishment

56 Consultation required before council-controlled organisation established 90

Directors

57 Appointment of directors 90
58 Role of directors of council-controlled organisations 91
59 Principal objective of council-controlled organisation 91
60 Decisions relating to operation of council-controlled organisations 91
60A Significant decisions of council-controlled organisations affecting land or water 92
61 Activities undertaken on behalf of local authorities 92
62 Prohibition on guarantees, etc 92
63 Restriction on lending to council-controlled trading organisation 92

Council-controlled organisation planning

64 Statements of intent for council-controlled organisations 92
64A Shareholders may require additional plans 93
64B Statement of expectations 94

Monitoring and reporting

65 Performance monitoring 94
66 Half-yearly or quarterly reports 95
67 Annual report 95
67A Extension of time limit for 2019/20 financial year annual reports: COVID-19 *[Repealed]* 96
68 Content of reports on operations of council-controlled organisations 96
69 Financial statements and auditor's report 97
70 Auditor-General is auditor of council-controlled organisations 97
71 Protection from disclosure of sensitive information 97
71A Application of Part to listed companies 98
72 Application of Act to related companies 98

Transfer of undertakings

73 Transfer of undertakings to council-controlled organisations 98

Application of Local Government Official Information and Meetings Act 1987 and Ombudsmen Act 1975 to council-controlled organisations

74 Official information 99

Part 6
Planning, decision-making, and accountability

75 Outline of Part 99

Subpart 1—Planning and decision-making

Significance and engagement policy

76AA Significance and engagement policy 99

Decision-making

76 Decision-making 101
77 Requirements in relation to decisions 101
78 Community views in relation to decisions 101
79 Compliance with procedures in relation to decisions 102
80 Identification of inconsistent decisions 103
81 Contributions to decision-making processes by Māori 103

Consultation

82 Principles of consultation 103
82A Information requirements for consultation required under this Act 105
83 Special consultative procedure 105
83AA Summary of information 106
83A Combined or concurrent consultation 107
83B Interpretation *[Repealed]* 107
83C Use of special consultative procedure during recovery from severe weather events *[Repealed]* 107
83B Use of special consultative procedure during outbreak of COVID-19 *[Repealed]* 107
83C Long-term plan commencing on 1 July 2021 *[Repealed]* 107
83D Repeal of sections 83B and 83C and this section *[Repealed]* 107
84 Special consultative procedure in relation to long-term plan *[Repealed]* 107
85 Use of special consultative procedure in relation to annual plan *[Repealed]* 107
86 Use of special consultative procedure in relation to making, amending, or revoking bylaws 108
87 Other use of special consultative procedure 108
88 Use of special consultative procedure in relation to change of mode of delivery of significant activity *[Repealed]* 108
89 Summary of information *[Repealed]* 109
90 Policy on significance *[Repealed]* 109

Community outcomes

[Repealed]

91 Process for identifying community outcomes *[Repealed]* 109
92 Obligation to report against community outcomes *[Repealed]* 109

Planning

93 Long-term plan 109
93A Use of special consultative procedure in relation to long-term plan 111
93B Purpose of consultation document for long-term plan 111
93C Content of consultation document for adoption of long-term plan 111
93D Content of consultation document for amendment of long-term plan 113
93DA Amendments to long-term plan after severe weather events *[Repealed]* 114
93DA Amendments to long-term plan during outbreak of COVID-19 *[Repealed]* 114
93E Additional content of consultation document for adoption or amendment of long-term plan where section 97 applies to proposed decision 114
93F Form and manner of presentation of consultation document 115
93G Information to be adopted by local authority in relation to long-term plan and consultation document 115
94 Audit of long-term plan 115
94A Long-term plan amended during recovery from severe weather events *[Repealed]* 116
94A Long-term plan amended during outbreak of COVID-19 *[Repealed]* 116
95 Annual plan 116
95AAA 2023/2024 annual plan due date *[Repealed]* 117
95A Purpose and content of consultation document for annual plan 118
95B Combined or concurrent consultation on long-term plan and annual plan 119
96 Effect of resolution adopting long-term plan or annual plan 119
97 Certain decisions to be taken only if provided for in long-term plan 120

Subpart 2—Reporting

98 Annual report 121
98A Extension of time limit for 2019/20 financial year annual reports: COVID-19 *[Repealed]* 122
99 Audit of information in annual report and summary 122
99A Pre-election report 122

Subpart 3—Financial management

100 Balanced budget requirement 123
101 Financial management 123

101A Financial strategy 124
101B Infrastructure strategy 125
102 Funding and financial policies 127
103 Revenue and financing policy 128
104 Liability management policy 129
105 Investment policy 130
106 Policy on development contributions or financial contributions 130
107 Policy on partnerships with private sector *[Repealed]* 133
108 Policy on remission and postponement of rates on Māori freehold land 133
109 Rates remission policy 134
110 Rates postponement policy 134
111 Information to be prepared in accordance with generally accepted accounting practice 135

Subpart 4—Borrowing and security

112 Interpretation 135

Borrowing

113 Prohibition on borrowing in foreign currency 137
114 Constraints on receiver 137
115 Rates as security 137
116 Register of charges maintained by local authority 138

Protected transactions

117 Protected transactions 138
118 Certificate of compliance 139
119 Good faith in relation to protected transactions 139
120 Saving provision in respect of power of court 140

Miscellaneous provisions

121 The Crown not liable for debts 140
122 Disclosure document and loan documents to contain statement that the Crown does not guarantee financial products or loan 140

Part 7
Specific obligations and restrictions on local authorities and other persons

123 Outline of Part 141

Subpart 1—Specific obligations to make assessments of drinking water, wastewater, and sanitary services and to ensure communities have access to safe drinking water

124 Interpretation 141
125 Requirement to assess drinking water services 142
126 Requirements following assessment of community drinking water service 144

127 Duty to ensure communities have access to drinking water if existing suppliers facing significant problems 144
127 Information required in assessment of sanitary services *[Repealed]* 146
128 Requirement to assess wastewater and other sanitary services 146
128 Process for making assessments *[Repealed]* 147
129 Extent of information in assessments *[Repealed]* 147

Subpart 2—Obligations and restrictions relating to provision of water services

130 Obligation to maintain water services 147

Closure or transfer of small water services

131 Power to close down or transfer small water services 148
132 Eligibility to vote in referendum 149
133 Responsibility for conduct of referendum 149
134 Criteria for closure of water service 149
135 Criteria for transfer of water service 150

Contracting out of water services

136 Contracts relating to provision of water services 150

Joint local government arrangements and joint arrangements with other entities

137 Joint local government arrangements and joint arrangements with other entities 151

Subpart 3—Restrictions on disposal of parks, reserves, and endowment properties

Parks and reserves

138 Restriction on disposal of parks (by sale or otherwise) 153
139 Protection of regional parks 153
139A Further provision in relation to regional parks 154

Endowment property

140 Restrictions on disposal of endowment property 155
141 Conditions applying to sale or exchange of endowment property 155

Subpart 4—Public libraries

142 Obligation to provide free membership of libraries 156

Part 8
Regulatory, enforcement, and coercive powers of local authorities

Subpart 1—Powers of local authorities to make bylaws

143 Outline of Part 156
144 Bylaws Act 1910 157

Powers of territorial authorities to make bylaws

145 General bylaw-making power for territorial authorities 157
146 Specific bylaw-making powers of territorial authorities 157
147 Power to make bylaws for alcohol control purposes 158
147A Criteria for making or continuing bylaws 159
147B Criteria for making resolutions relating to bylaws 160
147C Signage for areas in which bylaws for alcohol control purposes apply 160
148 Special requirements for bylaws relating to trade wastes 160

Power of regional councils to make bylaws

149 Power of regional councils to make bylaws 162

Power of local authorities to prescribe fees

150 Fees may be prescribed by bylaw 162
150A Costs of development contribution objections 163

Bylaws proposed by local boards

150B Local boards may propose bylaw 163
150C Local board must consult on proposed bylaw 164
150D Local board may propose amendment to bylaw 165
150E Local board may propose revocation of bylaw 165
150F Joint bylaw proposals 165

General provisions applying to bylaws made by a local authority

151 General provisions applying to bylaws made under this Act 166
152 Effect of Building Act 2004 on bylaws 166
152A Effect of Food Act 2014 on bylaws 166
152B Effect of Fire and Emergency New Zealand Act 2017 on bylaws 167

The Crown bound by certain bylaws

153 The Crown bound by certain bylaws 168
154 Power of exemption 168

Procedure for making bylaws

155 Determination whether bylaw made under this Act is appropriate 169
156 Consultation requirements when making, amending, or revoking bylaws made under this Act 169
157 Public notice of bylaws and availability of copies 170

Review of bylaws made under this Act or the Local Government Act 1974

158 Review of bylaws made under this Act or the Local Government Act 1974 170
159 Further reviews of bylaws every 10 years 171
160 Procedure for and nature of review 171
160A Bylaw not reviewed within specified time frame revoked 172

160B Bylaw revocation postponed as result of outbreak of COVID-19 *[Repealed]* 172

Transfer of bylaw-making power

161 Transfer of bylaw-making power 172

Subpart 1A—Local authority legislation

161A What is local authority legislation 172
161B Instruments that have significant legislative effect 173
161C Other supporting definitions 174

Subpart 2—Enforcement powers

Injunctions

162 Injunctions restraining commission of offences and breaches of bylaws 174

Removal of works

163 Removal of works in breach of bylaws 175

Seizure of property

164 Seizure of property not on private land 175
165 Seizure of property from private land 176
166 Conditions for exercise of warrant to seize property on private land 177
167 Return of property seized and impounded 177
168 Power to dispose of property seized and impounded 178

Powers of arrest, search, and seizure in relation to liquor

169 Powers of arrest, search, and seizure in relation to alcohol bans 178

Matters of proof in relation to bylaws prohibiting alcohol in public place

169A Proving substance is alcohol in relation to alleged breach of alcohol ban 179
170 Conditions relating to power of search 179

Powers of entry

171 General power of entry 180
172 Power of entry for enforcement purposes 181
173 Power of entry in cases of emergency 181
174 Authority to act 182

Recovery for damage

175 Power to recover for damage by wilful or negligent behaviour 183
176 Costs of remedying damage arising from breach of bylaw 183

Administration of enforcement functions

177 Appointment of enforcement officer 183

Powers of enforcement officers

178 Enforcement officers may require certain information 184

Administration of enforcement may be contracted out

179 Contracting out administration of enforcement 184

Enforcement of regional council bylaws

180 Enforcement and administration of regional council bylaws 184

Subpart 3—Powers in relation to private land

Construction of works

181 Construction of works on private land 185

Powers of entry

182 Power of entry to check utility services 185

Powers relating to owners and occupiers of land

[Repealed]

183 Removal of fire hazards *[Repealed]* 186
184 Rights and obligations if notice given under section 183(1) *[Repealed]* 186

Default by owner or occupier

185 Occupier may act if owner of premises makes default 186
186 Local authority may execute works if owner or occupier defaults 187

Recovery of costs

187 Recovery of cost of works by local authority 188
188 Liability for payments in respect of private land 188

Compulsory acquisition of land

189 Power to acquire land 188
190 Compensation payable by local authority for land taken or injuriously affected 188

Nuisance

191 Local authority not authorised to create nuisance 189

Subpart 4—Powers in relation to water services and trade wastes

Water supply

192 Wastage of water 189
193 Power to restrict water supply 189
194 Power to stop water services *[Repealed]* 190

Discharge of sewage and trade wastes

195 Discharge of sewage 190
196 Discharge of trade wastes 190

Subpart 5—Development contributions

197AA Purpose of development contributions 191
197AB Development contributions principles 191
197 Interpretation 192

Contributions may be required by territorial authorities

198 Power to require contributions for developments 195
198A Restrictions on power to require contributions for reserves 196
[Repealed]
199 Basis on which development contributions may be required 196
199A Right to reconsideration of requirement for development contribution 197
199B Territorial authority to notify outcome of reconsideration 197
199C Right to object to assessed amount of development contribution 198
199D Scope of development contribution objections 198
199E Procedure for development contribution objections 198
199F Appointment and register of development contributions commissioners 198
199G Removal of development contributions commissioners 199
199H Who may decide development contribution objections 200
199I Development contribution objection hearings 200
199J Consideration of development contribution objection 201
199K Additional powers of development contributions commissioners 201
199L Liability of development contributions commissioners 202
199M Residual powers of territorial authority relating to development contribution objection decision 202
199N Objector's right to apply for judicial review unaffected 203
199O Territorial authority to provide administrative support for development contributions commissioners 203
199P Interim effect of development contribution objection 203

Conditions relevant to requirement for contributions

200 Limitations applying to requirement for development contribution 203

Development contributions policy

201 Contents of development contributions policy 205
201A Schedule of assets for which development contributions will be used 206
202 Contents of section 201 schedule 207
202A Reconsideration process to be in development contributions policy 208
203 Maximum development contributions not to be exceeded 208

Use of development contributions

204 Use of development contributions by territorial authority 209
205 Use of development contributions for reserves 209
206 Alternative uses of development contributions for reserves 210

207 Power to use money collected and held under Local Government Act 1974 or Resource Management Act 1991 211

Development agreements

207A Request to enter development agreement 211
207B Response to request for development agreement 211
207C Content of development agreement 212
207D Effect of development agreement 213
207E Restrictions on use of development agreement 213
207F Amendment or termination of development agreement 214

Powers to recover unpaid development contributions

208 Powers of territorial authority if development contributions not paid or made 214

Refund of development contributions

209 Refund of money and return of land if development does not proceed 215
210 Refund of money or return of land if not applied to specified reserve purposes 216
211 Application of other Acts 216

Subpart 6—Removal orders

212 Interpretation 216

Application of rules of court

213 Application of District Court Rules to removal orders 218
214 Scope of rules made under section 213 219

Application for removal order

215 Application for removal order 219

Making of removal orders

216 Circumstances when court may make removal order 220

Objection to making of removal order

217 Right of objection 220
218 Consideration of objections 221

Right of appeal

219 Appeal to High Court final 221

Compliance with removal order

220 Compliance with removal order 221
221 Limits to power of entry to enforce compliance 222

Application of certain other Acts

222 Provisions of Resource Management Act 1991 and Building Act 2004 continue to apply 223

223 Relationship with Fencing Act 1978 223

Part 9
Offences, penalties, infringement offences, and legal proceedings

Subpart 1—Offences

Offences relating to water

224 Offence relating to water wastage 224
225 Offences relating to waterworks 224
226 Liability for cost of damage 225

Offences relating to water meters

227 Offences relating to water meters 226

Offences relating to water races and private drains

228 Offences relating to water races 226

Offence relating to obstruction of enforcement officers and others

229 Obstruction of enforcement officers or agents of local authority 227

Offences by occupiers or owners

230 Offences by occupiers 228
231 Offences in relation to notices sent to occupiers or owners 228

Offences relating to property damage

232 Damage to local authority works or property 228

Miscellaneous offences

233 Offence relating to advertising 229
234 Unauthorised use of coat of arms 229

Offences committed by members and officers of local authorities

235 Offences by members of local authorities and local boards 230
236 Penalty for acting without warrant 230

Offences committed by members and officers of Remuneration Authority

237 Offence by member or officer of Remuneration Authority 230

Offences against Act

238 Offence of failing to comply with Act 231

Offences against bylaws

239 Offences in respect of breaches of bylaws (other than alcohol bans) 231
239A Breaches of alcohol bans 232

Defences

240 Defence to offences under this Act 232

Time for filing charging document

241 Time for filing charging document 233

Subpart 2—Penalties

242 Penalties for offences 233

Subpart 3—Infringement offences

243 Interpretation 233
244 Proceedings for infringement offences 234
245 Issue of infringement notices 234
245A Constables may require certain information 235
246 Entitlement to infringement fees 236

Subpart 4—Legal proceedings

Procedure

247 Proceedings in District Court 236

Judges not disqualified

248 Judges not disqualified for being ratepayers 236

Representation

249 Representation of local authority in proceedings 236

Service

250 Service of legal proceedings on local authority 237

Evidence

251 Evidence of ownership, vesting, or control 237

Recovery of debts

252 Recovery of debts 237

Part 10
Powers of Minister to act in relation to local authorities

253 Outline of Part 238
254 How this Part works 238
255 Application of this Part 238
256 Interpretation 239

Subpart 1—Ministerial powers of assistance and intervention

Minister may require information from local authority

257 Minister may require information 240

Minister may appoint Crown Review Team

258 Minister may appoint Crown Review Team 241
258A How Crown Review Team appointed 242

Minister may appoint Crown Observer

258B Minister may appoint Crown Observer 243

258C How Crown Observer appointed 244

Minister may appoint Crown Manager

258D Minister may appoint Crown Manager 244
258E How Crown Manager appointed 245

Minister may appoint Commission

258F Minister may appoint Commission 246
258G How Commission appointed 247
258H Application of this and other enactments during Commission's term of appointment 248
258I Minister may postpone general election when appointing Commission 248
258J Timing of election following postponed election 249
258K Local authority members remain in office but must not act during term of Commission 250
258L Extraordinary vacancy when Commission appointed or during term of Commission 251

Minister may call general election

258M Minister may call general election 251

Subpart 2—General provisions applying to Ministerial powers conferred under subpart 1

258N Minister may consult any person 252
258O Minister must publish list in *Gazette* 252
258P Minister must have regard to published list 253
258Q Notice to local authority of proposed appointment of Ministerial body 253
258R Notice to local authority of proposed general election 254
258S Notification of appointment of Ministerial body 254
258T Notification of change of membership of Ministerial body 255
258U Final report of Ministerial body 255
258V Remuneration and expenses of Ministerial appointees 255
258W Recovery of expenses from local authority 256
258X Minister may terminate Ministerial body or Ministerial appointee 256
258Y Protection from liability for Ministerial appointees 256
258Z Disclosure of information held by local authority 257
258ZA Decisions and directions of Crown Manager or Commission remain in force until local authority decides otherwise 257

Part 11
Regulations, other Orders in Council, and rules

Regulations

259 Regulations 258
259A Levy to fund rules for performance measures 260

259B Power to refund levy 261
259C Auditor-General must report on disclosures made under certain regulations 261
259D Regulations may incorporate financial reporting standards by reference 261
259E Effect of amendments to, or replacement of, standards incorporated by reference in regulations 262
259F Proof of standards incorporated by reference 262
259G Effect of expiry or revocation of standards incorporated by reference 263
259H Access to standards incorporated by reference 263
259I Application of Legislation Act 2019 to standards incorporated by reference 263
259J Application of Regulations (Disallowance) Act 1989 to standards incorporated by reference *[Repealed]* 263

Other Orders in Council

260 Amendment of Schedule 2 by Order in Council 263
261 Circumstances when Order in Council may extend time or validate action taken 264

Rules for performance measures

261A Purpose of rules specifying performance measures 265
261B Secretary must make rules specifying performance measures 265
261C Status of rules *[Repealed]* 266

Incorporation by reference

261D Incorporation of documents by reference in rules 267
261E Proof of material incorporated by reference 267
261F Effect of change to, or expiry of, material incorporated by reference 267
261G Consultation on proposal to incorporate material by reference 268
261H Access to material incorporated by reference 269

Rules establishing requirements of form

261I Secretary may make rules establishing requirements of form 270

Part 12
Consequential amendments, repeals, revocations, transitional provisions, and savings

Consequential amendments, repeals, and revocations

262 Consequential amendments 271
263 Water services 271
264 Amendment to Personal Property Securities Act 1999 271
265 New Schedule added to Receiverships Act 1993 271
266 Repeals 271

267 Repeal of enactments relating to special consultative procedure 271
268 Repeal of Local Government (Prohibition of Liquor in Public Places) Amendment Act 2001 271
269 Repeal of spent local Acts 272
270 Repeal of provisions relating to regional parks of Wellington Regional Council 272
271 Lake Taupo Regulations 1976 272
272 Revocations 272

Transitional provisions

273 First triennial agreement 272
274 First local governance statement 272
275 First policy on appointment of directors 272
276 First statement of intent and report and accounts of existing local authority trading enterprises 273
277 First statement of intent of other council-controlled organisations 273
278 First policy on significance 273
279 Long-term council community plan *[Repealed]* 273
280 Long-term plan for period beginning on 1 July 2006 273
281 Annual plan *[Repealed]* 273
282 Certain decisions to be taken only if provided for in annual plan or special consultative procedure used *[Repealed]* 274
283 Annual reports 274
284 First annual plan 274
285 First assessment of water and sanitary services 274
286 Waste management plan 274
287 Special consultative procedure 275
288 Decision-making processes commenced before enactment *[Repealed]* 275
289 Special orders 275
289A Special orders on or after 1 July 2003 275
290 Development contributions 276
291 Reorganisation proposals 276
292 Existing charges 277
293 Bylaws 277
294 Standing orders 277
295 Communities and community boards 278
296 Chief executive 278
297 Members of Commission 278
298 Community trusts 278
299 Borrowing from sinking fund 279
300 Cancellation of part of loan in respect of which sinking fund is held 279
301 Consent required for release of sinking fund 279

302 Provisions relating to Public Trust and Board of Trustees of National Provident Fund 280
303 Public Bodies Leases Act 1969 280
304 Sale of land purchased for commercial or industrial purposes 281
305 Local Authorities (Employment Protection) Act 1963 281
306 Local Authorities Loans Act 1956 281
307 Existing proceedings 281
308 Existing causes of action 281

Savings

309 Saving 282
310 Saving in respect of bylaws of Transit New Zealand 282
311 Savings in respect of bylaws made in respect of government roads 282
312 Savings and validation in respect of remuneration, allowances, and expenses of elected members 282
313 Saving in respect of Infrastructure Auckland *[Repealed]* 284
314 Prohibition of vehicles and consumption or possession of intoxicating liquor in public place 284

Schedule 1AA 285
Application, savings, and transitional provisions

Schedule 1 306
Acts under which responsibilities, powers, and duties are conferred or imposed on Minister of Local Government and Secretary for Local Government

Schedule 2 307
Local authorities

Schedule 3 313
Reorganisation of local authorities

Schedule 3A 361
Establishment or reorganisation of local board areas in unitary authority districts

Schedule 4 376
Provisions relating to Local Government Commission and its proceedings

Schedule 5 385
Appeals against decisions of Local Government Commission

Schedule 6 389
Constitution of communities

Schedule 7 393
Local authorities, local boards, community boards, and their members

Schedule 8 426
Statements of intent for council-controlled organisations

Schedule 9 431
Council-controlled organisations and transfer of undertakings

Schedule 10 434
Long-term plans, annual plans, and annual reports

Schedule 11 453
Matters relating to rates relief on Māori freehold land

Schedule 12 454
Conditions of constructing or undertaking works on private land without the owner's consent

Schedule 13 456
Methodology for calculating development contributions

Schedule 13A 457
Procedure relating to development contribution objections

Schedule 14 463
Procedure for making removal orders

Schedule 15 466
Powers of Minister

[Repealed]

Schedule 16 467
Consequential amendments

Schedule 17 477
New Schedule of Receiverships Act 1993

Schedule 18 478
Enactments repealed

Schedule 19 489
Local Acts repealed

Schedule 20 517
Orders in Council revoked

1 Title

This Act is the Local Government Act 2002.

2 Commencement

(1) Sections 5, 6, and 7, subparts 1 to 3 of Part 6, subpart 2 of Part 7, sections 138, 267, 268, 271, 275, 276, 278, 279, 281, 282, 284, 287, 288, and 312, and

Schedules 10 and 11 come into force on the day after the date on which this Act receives the Royal assent.

(2) The rest of this Act comes into force on 1 July 2003.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act—

(a) states the purpose of local government; and

(b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and

(c) promotes the accountability of local authorities to their communities; and

(d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

Section 3(d): replaced, on 14 May 2019, by section 4 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

4 Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

5 Interpretation

(1) In this Act, unless the context otherwise requires,—

activity—

(a) means goods or a service provided by, or on behalf of, a local authority or a council-controlled organisation; and

(b) includes—

(i) the provision of facilities and amenities; and

(ii) the making of grants; and

(iii) the performance of regulatory and other governmental functions; and

(c) also includes, in section 106, subpart 5 of Part 8, and Schedule 13, the construction of eligible infrastructure that has been, or is intended to be, transferred by a responsible SPV to a responsible infrastructure authority under section 90 of the Infrastructure Funding and Financing Act 2020

affected,—

(a) in relation to a local authority, means a local authority whose district or region is or contains an affected area:

(b) in relation to a territorial authority, means a territorial authority whose district is or contains an affected area

affected area has the same meaning as in clause 2 of Schedule 3

annual plan means an annual plan adopted under section 95

bylaw means a bylaw made by a local authority under any enactment

capital project has the meaning given to it in section 5 of the Local Government (Rating) Act 2002

capital value has the meaning set out in section 2 of the Rating Valuations Act 1998

Commission,—

(a) other than in Part 10, means the Local Government Commission continued under section 28:

(b) in Part 10, has the meaning given by section 256

committee includes, in relation to a local authority,—

(a) a committee comprising all the members of that local authority; and

(b) a standing committee or special committee appointed by that local authority; and

(c) a joint committee appointed under clause 30 of Schedule 7; and

(d) any subcommittee of a committee described in paragraph (a) or paragraph (b) or paragraph (c)

community means, subject to subsection (2), a community constituted under Schedule 6

community board means a community board established under section 49

community facilities has the meaning set out in section 197(2)

community outcomes means the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural well-being of its district or region in the present and for the future

council-controlled organisation has the meaning set out in section 6

council-controlled trading organisation has the meaning set out in section 6

council organisation has the meaning set out in section 6

development contribution has the meaning set out in section 197(2)

development contribution policy has the meaning set out in section 197(2)

discretionary function means any activity or service that a local authority is not specifically authorised or required to undertake or provide by or under an enactment but that is instead provided by the local authority in accordance with its discretionary power under section 12(2)

district means the district of a territorial authority

enforcement officer means a person appointed by a local authority to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, this Act, including enforcement of the bylaws of the local authority

eligible infrastructure has the same meaning as in section 8 of the Infrastructure Funding and Financing Act 2020

equity security has the same meaning as in section 8 of the Financial Markets Conduct Act 2013

financial year means a period of 12 months ending on 30 June

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

(a) efficient; and

(b) effective; and

(c) appropriate to present and anticipated future circumstances

governing body,—

(a) in the case of a regional council, means the body described in section 41(1); and

(b) in the case of a territorial authority, means the body described in section 41(2)

group of activities means 1 or more related activities provided by, or on behalf of, a local authority or council-controlled organisation

Internet site, in relation to a local authority or other person or entity, means an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access

land value has the meaning set out in section 2 of the Rating Valuations Act 1998

levy area has the same meaning as in section 7 of the Infrastructure Funding and Financing Act 2020

levy order has the same meaning as in section 7 of the Infrastructure Funding and Financing Act 2020

local authority means a regional council or territorial authority

local board means—

(a) a local board established by Order in Council under section 25; or

(b) a local board established under section 10 of the Local Government (Auckland Council) Act 2009

local board agreement means—

(a) an agreement referred to in section 48O; or

(b) an agreement specified in section 21 of the Local Government (Auckland Council) Act 2009

local board area means—

(a) an area specified by Order in Council under section 25 as a local board area; or

(b) an area specified by Order in Council under section 35 of the Local Government (Auckland Council) Act 2009 as a local board area

local board funding allocation means the total funds in respect of which a local board has decision-making discretion allocated in accordance with—

(a) the unitary authority's local boards funding policy adopted under section 48M; or

(b) the Auckland Council's local boards funding policy adopted under section 19 of the Local Government (Auckland Council) Act 2009

local board plan means the plan that each local board is required to adopt under—

(a) section 48N; or

(b) section 20 of the Local Government (Auckland Council) Act 2009

local government organisation has the meaning set out in section 124

long-term plan means a long-term plan adopted under section 93

lump sum contribution has the meaning given to it in section 5 of the Local Government (Rating) Act 2002

mayor means the mayor of a territorial authority elected under the Local Electoral Act 2001

member,—

(a) in relation to a community board, means a member appointed to that board or elected to that board under the Local Electoral Act 2001:

(b) in relation to the Commission, means a member of the Local Government Commission:

(c) in relation to a local authority, means a member of the governing body of the local authority elected under the Local Electoral Act 2001:

(ca) in relation to a local board, means a member appointed to that board or elected to that board under the Local Electoral Act 2001, including the chairperson:

(d) in relation to a regional council, means a member of the governing body of the regional council elected under the Local Electoral Act 2001, including the chairperson:

(e) in relation to a territorial authority, means a member of the governing body of the territorial authority elected under the Local Electoral Act 2001, including the mayor

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

natural hazard has the meaning given to it in section 2(1) of the Resource Management Act 1991

network infrastructure has the meaning set out in section 197(2)

operating expenses and **operating revenues** have the same meaning as under generally accepted accounting practice

pecuniary interest, in relation to a member, means a matter or activity of financial benefit to the member

pecuniary interest return means the return required to be made under section 54C

permanent committee means a committee of 1 or more local authorities that is established or continued by an enactment and that cannot be disestablished or discharged by the local authority or local authorities

protected Māori land has the same meaning as in section 11 of the Infrastructure Funding and Financing Act 2020

public notice, in relation to a notice given by a local authority, means one that—

(a) is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site; and

(b) is published in at least—

(i) 1 daily newspaper circulating in the region or district of the local authority; or

(ii) 1 or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district

publicly available, in relation to a document or other information, has the meaning set out in subsection (3)

rating unit means a rating unit for the purposes of the Rating Valuations Act 1998

region—

(a) means the region of a regional council; and

(b) includes the district of a territorial authority, if the territorial authority is a unitary authority

regional council means a regional council named in Part 1 of Schedule 2

remuneration and employment policy means a policy adopted by a local authority under clause 36A of Schedule 7

reorganisation implementation scheme has the meaning set out in clause 2 of Schedule 3

reorganisation plan has the meaning set out in clause 2 of Schedule 3

reserve fund means money set aside by a local authority for a specific purpose

resource consent has the meaning set out in section 197(2)

Secretary means the Secretary for Local Government

significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

(a) the current and future social, economic, environmental, or cultural well-being of the district or region:

(b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:

(c) the capacity of the local authority to perform its role, and the financial and other costs of doing so

significant, in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance

special consultative procedure means the procedure set out in section 83

SPV means a responsible SPV that is identified by a levy order made under the Infrastructure Funding and Financing Act 2020 as having responsibility for the construction of eligible infrastructure

statutory obligation means any responsibility, duty, or legal obligation conferred by or under any Act, and includes any powers associated with that responsibility, duty, or legal obligation

strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any

outcome that the local authority determines to be important to the current or future well-being of the community; and includes—

(a) any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and

(b) any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and

(c) any equity securities held by the local authority in—

(i) a port company within the meaning of the Port Companies Act 1988:

(ii) an airport company within the meaning of the Airport Authorities Act 1966 or an airport operator within the meaning of section 5 of the Civil Aviation Act 2023

territorial authority means a city council or a district council named in Part 2 of Schedule 2

unitary authority means a territorial authority that has the responsibilities, duties, and powers of a regional council conferred on it under—

(a) the provisions of any Act; or

(b) an Order in Council giving effect to a reorganisation plan

wastewater has the meaning given to wastewater services in section 124

water race means the land occupied by a water channel (other than a main river)—

(a) constructed—

(i) by or under the authority of a local authority:

(ii) in, upon, or through land for the supply of water; and

(b) to be used—

(i) solely or principally for farming purposes; or

(ii) in the case of an existing water race, for any other purpose for which water from that water race may be used at the commencement of this section; and

(c) includes—

(i) a branch of a water race taken or made through land for the purpose of supplying water as referred to in paragraph (b); and

(ii) an alteration, extension, or widening of a water race or branch water race, whether done by the local authority or by any person with the approval of the local authority; and

(iii) a flood or other bank, or a dam, sluice, flume, bridge, gauge, meter, reservoir, or other waterworks relating to, or forming part of, a water race; and

(iv) buildings and machinery, pipes, and other materials on the land and within the limits of a water race or relating to, or used in connection with, a water race

waterworks, in relation to the provision of water supply, includes—

(a) rivers, streams, lakes, waters, and underground waters, and rights relating to these; and

(b) land, watershed, catchment, and water collection areas; and

(c) if vested in a local government organisation, or acquired, constructed, or operated by, or under the control of, a local government organisation,—

(i) reservoirs, dams, bores, tanks, and pipes; and

(ii) buildings, machinery, and appliances

working day means a day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) the day observed in the appropriate area as the anniversary of the province of which the area forms a part; and

(d) a day in the period commencing with 20 December in any year and ending with 10 January in the following year.

(2) The meaning given to the term **community** by subsection (1) does not apply in relation to—

(a) section 3; or

(b) the definition of the term long-term plan; or

(c) any of the provisions of Parts 2 and 6; or

(d) any of the provisions of Schedules 10 and 11; or

(e) any other provisions of this Act in respect of which the context otherwise requires.

(3) If a local authority or a council-controlled organisation is required under this Act to make a document or other information publicly available, it must take reasonable steps to—

(a) ensure that the document or other information or a copy of the document or other information is accessible to the general public in a manner appropriate to the purpose of the document or other information, including, where practicable, on the local authority's Internet site; and

(b) publicise, in a manner appropriate to the purpose and significance of the document or other information, both the fact that the document or other information is available and the manner in which the document or other information may be accessed.

Section 5(1) **activity**: replaced, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 5(1) **affected**: replaced, on 8 August 2014, by section 4(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **affected area**: inserted, on 5 December 2012, by section 5(9) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **bylaw**: inserted, on 28 June 2006, by section 4(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 5(1) **capital project**: inserted, on 28 June 2006, by section 15(1) of the Local Government (Rating) Amendment Act 2006 (2006 No 28).

Section 5(1) **capital value**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **Commission**: replaced, on 5 December 2012, by section 5(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **community facilities**: substituted, on 28 June 2006, by section 4(2) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 5(1) **community facilities**: amended, on 5 December 2012, by section 5(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **community infrastructure**: repealed, on 8 August 2014, by section 4(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **community outcomes**: replaced, on 14 May 2019, by section 5(1) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 5(1) **development contribution**: amended, on 5 December 2012, by section 5(5) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **development contribution policy**: amended, on 5 December 2012, by section 5(6) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **discretionary function**: inserted, on 22 October 2019, by section 4(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 5(1) **eligible infrastructure**: inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 5(1) **equity security**: replaced, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 5(1) **generally accepted accounting practice**: replaced, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 5(1) **good-quality**: replaced, on 14 May 2019, by section 5(2) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 5(1) **governing body**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **Internet site**: inserted, on 21 March 2019, by section 14(1) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 5(1) **land value**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **levy area**: inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 5(1) **levy order**: inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 5(1) **local board**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **local board agreement**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **local board area**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **local board funding allocation**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **local board plan**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **long-term council community plan**: repealed, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 5(1) **long-term plan**: inserted, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 5(1) **lump sum contribution**: inserted, on 28 June 2006, by section 15(1) of the Local Government (Rating) Amendment Act 2006 (2006 No 28).

Section 5(1) **member** paragraph (ca): inserted, on 8 August 2014, by section 4(4) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **natural hazard**: inserted, on 27 November 2010, by section 4(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 5(1) **natural hazard**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 5(1) **network assets of Watercare Services Limited**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(1) **network infrastructure**: amended, on 5 December 2012, by section 5(7) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **pecuniary interest**: inserted, on 20 November 2022, by section 5 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

Section 5(1) **pecuniary interest return**: inserted, on 20 November 2022, by section 5 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

Section 5(1) **permanent committee**: inserted, on 22 October 2019, by section 4(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 5(1) **protected Māori land**: inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 5(1) **public notice**: replaced, on 21 March 2019, by section 14(2) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 5(1) **publicly available**: amended, on 8 August 2014, by section 4(5) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **rating unit**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **remuneration and employment policy**: inserted, on 5 December 2012, by section 5(9) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **reorganisation implementation scheme**: inserted, on 22 October 2019, by section 4(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 5(1) **reorganisation plan**: inserted, on 22 October 2019, by section 4(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 5(1) **reorganisation proposal**: repealed, on 5 December 2012, by section 5(10) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **reorganisation scheme**: repealed, on 5 December 2012, by section 5(10) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 5(1) **reserve fund**: inserted, on 27 November 2010, by section 4(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 5(1) **resource consent**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **significance** paragraph (a): replaced, on 14 May 2019, by section 5(3) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 5(1) **SPV**: inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 5(1) **statutory obligation**: inserted, on 8 August 2014, by section 4(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **strategic asset** paragraph (a): amended, on 8 August 2014, by section 4(6) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(1) **strategic asset** paragraph (c)(ii): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 5(1) **unitary authority**: amended, on 22 October 2019, by section 4(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 5(1) **waterworks**: substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5(1) **working day**: replaced, on 21 March 2019, by section 14(3) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 5(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 5(2)(b): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 5(3): replaced, on 8 August 2014, by section 4(7) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 5(3)(a): amended, on 21 March 2019, by section 14(4) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

5A Temporary definition of public notice as result of outbreak of COVID-19

[Repealed]

Section 5A: repealed, on 1 November 2020, by section 5A(4).

6 Meaning of council-controlled organisation and council organisation

(1) In this Act, unless the context otherwise requires,—

council-controlled organisation means a council organisation that is—

(a) a company—

(i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more local authorities; or

(B) controlled, directly or indirectly, by 1 or more local authorities; or

(ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or

(b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—

(i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the entity; or

(ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the entity

council-controlled trading organisation means a council-controlled organisation that operates a trading undertaking for the purpose of making a profit

council organisation means—

(a) a company—

(i) in which equity securities carrying voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more local authorities; or

(B) controlled, directly or indirectly, by 1 or more local authorities; or

(ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 1 or more of the directors (however described) of the company; or

(b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—

(i) control, directly or indirectly, of 1 or more of the votes at any meeting of the members or controlling body of the entity; or

(ii) the right, directly or indirectly, to appoint 1 or more of the trustees, directors, or managers (however described) of the entity.

(2) For the purposes of subsection (1), **entity** means any partnership, trust, arrangement for the sharing of profits, union of interest, co-operation, joint venture, or other similar arrangement; but does not include a company, or a committee or joint committee of a local authority.

(3) If a council organisation is not a company, references in this Act, in relation to the council organisation, to—

(a) equity securities include any form of voting rights in that organisation; and

(b) the directors and the board include trustees, managers, or office holders (however described in that organisation); and

(c) shareholders include any persons with an interest or right in the entity that is comparable to the rights of a shareholder in a company, for example, partners, joint venture partners, members, or other persons holding equity securities in relation to that organisation; and

(d) the constitution include any rules or other documents constituting that organisation or governing its activities; and

(e) subsidiaries include any entity that would be a council-controlled organisation if the references to "local authority" or "local authorities" in subsection (1) read "council-controlled organisation" or "council-controlled organisations".

(4) The following entities are not council-controlled organisations:

(a) a body corporate that carries on an electricity business (whether or not that business is its principal or only business) or a trust that is constituted for purposes which include owning or controlling, directly or indirectly, all or part of an electricity company that carries on that business; or

(b) an energy company within the meaning of the Energy Companies Act 1992; or

(c) a port company or subsidiary of a port company within the meaning of the Port Companies Act 1988; or

(ca) a company in which a port company (within the meaning of the Port Companies Act 1988) holds or controls 50% of the shares; or

(d) *[Repealed]*

(e) New Zealand Local Government Association Incorporated; or

(f) New Zealand Local Government Insurance Corporation Limited and its subsidiaries; or

(g) *[Repealed]*

(h) a company or other organisation (as defined in subsection (2)) of which the New Zealand Local Government Association Incorporated has control directly or indirectly by whatever means; or

(i) an organisation exempted under section 7.

(5) In this section, terms not defined in this Act, but defined in the Companies Act 1993, have the same meaning as in that Act.

Compare: 1974 No 66 s 594B

Section 6(1) **council-controlled organisation** paragraph (b): amended, on 7 July 2004, by section 3(1) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(1) **council-controlled organisation** paragraph (b)(i): amended, on 7 July 2004, by section 3(1) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(1) **council-controlled organisation** paragraph (b)(ii): amended, on 7 July 2004, by section 3(1) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(1) **council organisation** paragraph (a)(ii): amended, on 7 July 2004, by section 3(2) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(1) **council organisation** paragraph (b): amended, on 7 July 2004, by section 3(3) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(1) **council organisation** paragraph (b)(i): amended, on 7 July 2004, by section 3(3) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(1) **council organisation** paragraph (b)(ii): amended, on 7 July 2004, by section 3(3) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(2): amended, on 7 July 2004, by section 3(4) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(3)(c): replaced, on 22 October 2019, by section 5 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 6(4)(a): substituted, on 1 November 2010, by section 166 of the Electricity Industry Act 2010 (2010 No 116).

Section 6(4)(ca): inserted, on 7 July 2004, by section 3(5) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 6(4)(d): repealed, on 1 July 2004, by section 48(1)(b) of the Local Government (Auckland) Amendment Act 2004 (2004 No 57).

Section 6(4)(g): repealed, on 1 July 2012, by section 113(2) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

7 Exempted organisations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, exempt an organisation for the purposes of section 6(4)(i).

(2) The Minister may make a recommendation only if—

(a) the organisation is subject to monitoring and reporting requirements under an enactment; and

(b) in the Minister's opinion, the organisation's accountability under that enactment is of a similar nature and effect to that required of a council-controlled organisation under this Act.

(3) A local authority may, after having taken account of the matters specified in subsection (5), exempt a small organisation that is not a council-controlled trading organisation, for the purposes of section 6(4)(i).

(4) An exemption must be granted by resolution of the local authority.

(5) The matters are—

(a) the nature and scope of the activities provided by the organisation; and

(b) the costs and benefits, if an exemption is granted, to the local authority, the council-controlled organisation, and the community.

(6) A local authority must review an exemption it has granted—

(a) within 3 years after it is granted; and

(b) after the first review, not more than 3 years following the last review under this section.

(7) A local authority may, at any time, revoke an exemption it has granted.

(8) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 7(1): amended, on 28 June 2006, by section 5(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 7(2): substituted, on 28 June 2006, by section 5(2) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 7(6)(b): replaced, on 8 August 2014, by section 5 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 7(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

8 Act binds the Crown

(1) Except as provided in subsections (2) and (3), this Act does not bind the Crown.

(2) The following provisions of this Act bind the Crown:

(a) section 22 and subpart 4 of Part 2 (which relate to the powers of the Minister and of officials); and

(b) Part 3 and Schedules 4, 5, and 6 (which relate to the Commission, the reorganisation of local authorities, and the establishment of community boards); and

(c) Part 10 (which relates to the Minister's powers in relation to the governance of local authorities).

(3) Subpart 1 of Part 8 binds the Crown to the extent set out in sections 153 and 154.

(4) Except as provided in subsections (2) and (3), this Act, and the regulations and bylaws made under it, apply to the interest of any lessee, licensee, or other person claiming an interest in any property of the Crown in the same manner as they apply to private property.

(5) A local authority or person or body of persons (whether incorporated or not) appointed, under section 28 of the Reserves Act 1977, to control and manage any public reserve that is vested in the Crown is, by virtue of that appointment, deemed to have an interest in that reserve.

Section 8(2)(c): amended, on 5 December 2012, by section 6 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

8A Provisions affecting application of amendments to this Act

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 8A: inserted, on 8 August 2014, by section 6 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Part 2
Purpose of local government, and role and powers of local authorities

9 Outline of Part

This Part—

(a) states the purpose of local government; and

(b) states the role and powers of local authorities.

Subpart 1—Purpose of local government

10 Purpose of local government

(1) The purpose of local government is—

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

(2) *[Repealed]*

Section 10(1)(b): replaced, on 14 May 2019, by section 6(1) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 10(2): repealed, on 14 May 2019, by section 6(2) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Subpart 2—Role of local authorities and related matters

11 Role of local authority

The role of a local authority is to—

(a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and

(b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

11A Core services to be considered in performing role

[Repealed]

Section 11A: repealed, on 14 May 2019, by section 10 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

12 Status and powers

(1) A local authority is a body corporate with perpetual succession.

(2) For the purposes of performing its role, a local authority has—

(a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and

(b) for the purposes of paragraph (a), full rights, powers, and privileges.

(3) Subsection (2) is subject to this Act, any other enactment, and the general law.

(4) A territorial authority must exercise its powers under this section wholly or principally for the benefit of its district.

(5) A regional council must exercise its powers under this section wholly or principally for the benefit of all or a significant part of its region, and not for the benefit of a single district.

(6) Subsections (4) and (5) do not—

(a) prevent 2 or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or

(b) prevent a transfer of responsibility from one local authority to another in accordance with this Act; or

(c) restrict the activities of a council-controlled organisation; or

(d) prevent a local authority from making a donation (whether of money, resources, or otherwise) to another local authority or to a person or organisation outside its district or region or outside New Zealand—

(i) if the local authority considers, on reasonable grounds, that the donation will benefit its district or region, or the communities within its district or region; or

(ii) if the local authority considers, on reasonable grounds, that a benefit will be conferred on the local government sector as a whole; or

(iii) for emergency relief; or

(e) prevent a local authority from making a donation (whether of money, resources, or otherwise) to a local government body outside New Zealand to enable it to share its experience and expertise with that body.

Section 12(6)(c): amended, on 28 June 2006, by section 6 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 12(6)(d): added, on 28 June 2006, by section 6 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 12(6)(e): added, on 28 June 2006, by section 6 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

13 Performance of functions under other enactments

Sections 10 and 12(2) apply to a local authority performing a function under another enactment to the extent that the application of those provisions is not inconsistent with the other enactment.

14 Principles relating to local authorities

(1) In performing its role, a local authority must act in accordance with the following principles:

(a) a local authority should—

(i) conduct its business in an open, transparent, and democratically accountable manner; and

(ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:

(b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and

(c) when making a decision, a local authority should take account of—

(i) the diversity of the community, and the community's interests, within its district or region; and

(ii) the interests of future as well as current communities; and

(iii) the likely impact of any decision on each aspect of well-being referred to in section 10:

(d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:

(e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and

(f) a local authority should undertake any commercial transactions in accordance with sound business practices; and

(fa) a local authority should periodically—

(i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and

(ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and

(g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and

(h) in taking a sustainable development approach, a local authority should take into account—

(i) the social, economic, and cultural well-being of people and communities; and

(ii) the need to maintain and enhance the quality of the environment; and

(iii) the reasonably foreseeable needs of future generations.

(2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

Section 14(1)(c)(iii): replaced, on 14 May 2019, by section 7(1) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 14(1)(e): replaced, on 8 August 2014, by section 8(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 14(1)(fa): inserted, on 27 November 2010, by section 6 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 14(1)(g): replaced, on 8 August 2014, by section 8(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 14(1)(h)(i): amended, on 14 May 2019, by section 7(2) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 14(2): amended, on 14 May 2019, by section 7(3) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 14(2): amended, on 5 December 2012, by section 8(3) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Subpart 3—Co-ordination of responsibilities of local authorities

15 Triennial agreements

(1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.

(2) An agreement under this section must include—

(a) protocols for communication and co-ordination among the local authorities; and

(b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and

(c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.

(3) An agreement under this section may also include—

(a) commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements

to give better effect to 1 or more of the matters referred to in subsection (2); and

(b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.

(4) An agreement under this section may be varied by agreement between all the local authorities within the region.

(5) An agreement under this section remains in force until it is replaced by another agreement.

(6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—

(a) the inconsistency; and

(b) the reasons for the inconsistency; and

(c) any intention of the local authority to seek an amendment to the agreement under subsection (4).

(7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

Section 15: replaced, on 8 August 2014, by section 9 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

16 Significant new activities proposed by regional council

(1) This section applies if,—

(a) in the exercise of its powers under section 12(2), a regional council proposes to undertake a significant new activity; or

(b) a regional council-controlled organisation proposes to undertake a significant new activity; and

(c) in either case, 1 or more territorial authorities in the region of the regional council—

(i) are already undertaking the significant new activity; or

(ii) have notified their intention to do so in their long-term plans.

(2) When this section applies, the regional council—

(a) must advise all the territorial authorities within its region and the Minister of the proposal and the reasons for it; and

(b) must include the proposal in the consultation document referred to in section 93A.

(3) A proposal included in the consultation document referred to in section 93A must include—

(a) the reasons for the proposal; and

(b) the expected effects of the proposal on the activities of the territorial authorities within the region; and

(c) the objections raised by those territorial authorities, if any.

(4) If, after complying with subsection (2), the regional council indicates that it intends to continue with the proposal, but agreement is not reached on the proposal among the regional council and all of the affected territorial authorities, either the regional council or 1 or more of the affected territorial authorities may submit the matter to mediation.

(5) Mediation must be by a mediator or a mediation process—

(a) agreed to by the relevant local authorities; or

(b) in the absence of an agreement, as specified by the Minister.

(6) If mediation is unsuccessful, either the regional council or 1 or more affected territorial authorities may ask the Minister to make a binding decision on the proposal.

(7) Before making a binding decision, the Minister must—

(a) seek and consider the advice of the Commission; and

(b) consult with other Ministers whose responsibilities may be affected by the proposal.

(8) This section does not apply to—

(a) a proposal by a regional council to establish, own, or operate a park for the benefit of its region; or

(b) a proposal to transfer responsibilities; or

(c) a proposal to transfer bylaw-making powers; or

(d) a reorganisation under Schedule 3; or

(e) a proposal to undertake an activity or enter into an undertaking jointly with the Crown.

(9) For the purposes of this section,—

affected territorial authority means a territorial authority—

(a) the district of which is wholly or partly in the region of a regional council; and

(b) that undertakes, or has notified in its long-term plan its intention to undertake, the significant new activity

new activity—

(a) means an activity that, before the commencement of this section, a regional council was not authorised to undertake; but

(b) does not include an activity authorised by or under an enactment

regional council-controlled organisation means a council-controlled organisation that is—

(a) a company—

(i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more regional councils; or

(B) controlled, directly or indirectly, by 1 or more regional councils; or

(ii) in which 1 or more regional councils have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or

(b) an organisation in respect of which 1 or more regional councils have, whether or not jointly with other regional councils or persons,—

(i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the organisation; or

(ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the organisation.

Section 16(1)(c)(ii): amended, on 22 October 2019, by section 6(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 16(1)(c)(ii): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 16(2)(b): replaced, on 8 August 2014, by section 10(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 16(3): amended, on 8 August 2014, by section 10(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 16(8)(d): amended, on 22 October 2019, by section 6(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 16(8)(d): amended, on 5 December 2012, by section 9 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 16(9) **affected territorial authority** paragraph (b): amended, on 22 October 2019, by section 6(3) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 16(9) **affected territorial authority** paragraph (b): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 16(9) **annual plan**: repealed, on 22 October 2019, by section 6(4) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

17 Transfer of responsibilities

(1) A regional council may transfer 1 or more of its responsibilities to a territorial authority in accordance with this section.

(2) A territorial authority may transfer 1 or more of its responsibilities to a regional council in accordance with this section.

(3) A transfer of responsibilities under this section must be made by agreement between the local authorities concerned and may be on the terms and conditions that are agreed between them.

(3A) The terms and conditions agreed under subsection (3) must ensure effective provision for any affected co-governance or co-management arrangements that are established by legislation (including Treaty of Waitangi claim settlement legislation) and that are between local authorities and iwi or Māori organisations.

(4) A local authority may not agree to transfer a responsibility or agree to accept a transfer of a responsibility under this section unless it is satisfied, following consultation in accordance with section 82, that the benefits of the proposed transfer to its district or region will outweigh any negative impacts of the proposal.

(4A) In assessing, for the purposes of subsection (4), the benefits and negative impacts of a proposed transfer, a local authority must have regard to the following matters:

(a) whether the transfer will promote—

(i) better fulfilment of the purpose of local government:

(ii) productivity improvements within local authorities and districts or regions:

(iii) efficiencies and cost savings:

(iv) assurance that the local authorities concerned have the resources necessary to enable them to effectively perform or exercise their responsibilities, duties, and powers:

(v) effective responses to the opportunities, needs, and circumstances of the affected area:

(vi) enhanced effectiveness, efficiency, and sustainability of local government services:

(vii) better support for the ability of local and regional economies to develop and prosper:

(viii) enhanced ability of local government to meet the changing needs of communities for governance and services into the future:

(b) the scale and probability of the potential benefits of the transfer to users of local government services:

(c) the financial, disruption, and opportunity costs of implementing the proposed transfer at the proposed time:

(d) the consequences and risks of not implementing the proposed transfer at the proposed time:

(e) existing communities of interest, and the extent to which the proposed transfer will maintain linkages between communities (including iwi and hapū) and sites and resources of significance to them.

(5) A local authority must notify the Minister of its intention to transfer a responsibility or accept a transfer of responsibility under this section.

(6) From the time a transfer takes effect, the responsibilities and powers of the local authority receiving the transfer are extended as necessary to enable the local authority to undertake, exercise, and perform the transferred responsibilities.

(7) If a transfer of responsibilities has been made, either local authority that was a party to the transfer may, through the process set out in subsections (3) to (6), initiate—

(a) a variation of the terms of the transfer; or

(b) the reversal of the transfer.

(8) In this section, **responsibility**—

(a) means any responsibility, duty, or legal obligation (including a responsibility, duty, or legal obligation that has previously been transferred under this section and a discretionary function), and any powers associated with that responsibility, duty, or legal obligation; but

(b) does not include a responsibility, duty, or legal obligation conferred by or under any other Act, unless that Act provides that the responsibility, duty, or legal obligation may be transferred in accordance with this section.

(9) Nothing in this section limits the ability of a local authority to—

(a) delegate the exercise of any responsibility to another local authority; or

(b) enter into a contractual agreement with another local authority for the performance of any activity or function.

Compare: 1974 No 66 ss 37SC, 37SD

Section 17: replaced, on 8 August 2014, by section 11 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 17(3A): inserted, on 22 October 2019, by section 7(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 17(4A): inserted, on 22 October 2019, by section 7(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 17(8): replaced, on 22 October 2019, by section 7(3) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

17A Delivery of services

(1) A local authority must review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions.

(2) Subject to subsection (3), a review under subsection (1) must be undertaken—

(a) in conjunction with consideration of any significant change to relevant service levels; and

(b) within 2 years before the expiry of any contract or other binding agreement relating to the delivery of that infrastructure, service, or regulatory function; and

(c) at such other times as the local authority considers desirable, but not later than 6 years following the last review under subsection (1).

(3) Despite subsection (2)(c), a local authority is not required to undertake a review under subsection (1) in relation to the governance, funding, and delivery of any infrastructure, service, or regulatory function—

(a) to the extent that the delivery of that infrastructure, service, or regulatory function is governed by legislation, contract, or other binding agreement such that it cannot reasonably be altered within the following 2 years; or

(b) if the local authority is satisfied that the potential benefits of undertaking a review in relation to that infrastructure, service, or regulatory function do not justify the costs of undertaking the review.

(4) A review under subsection (1) must consider options for the governance, funding, and delivery of infrastructure, services, and regulatory functions, including, but not limited to, the following options:

(a) responsibility for governance, funding, and delivery is exercised by the local authority:

(b) responsibility for governance and funding is exercised by the local authority, and responsibility for delivery is exercised by—

(i) a council-controlled organisation of the local authority; or

(ii) a council-controlled organisation in which the local authority is one of several shareholders; or

(iii) another local authority; or

(iv) another person or agency:

(c) responsibility for governance and funding is delegated to a joint committee or other shared governance arrangement, and responsibility for delivery is exercised by an entity or a person listed in paragraph (b)(i) to (iv).

(5) If responsibility for delivery of infrastructure, services, or regulatory functions is to be undertaken by a different entity from that responsible for governance, the entity that is responsible for governance must ensure that there is a contract or other binding agreement that clearly specifies—

(a) the required service levels; and

(b) the performance measures and targets to be used to assess compliance with the required service levels; and

(c) how performance is to be assessed and reported; and

(d) how the costs of delivery are to be met; and

(e) how any risks are to be managed; and

(f) what penalties for non-performance may be applied; and

(g) how accountability is to be enforced.

(6) Subsection (5) does not apply to an arrangement to the extent that any of the matters specified in paragraphs (a) to (g) are—

(a) governed by any provision in an enactment; or

(b) specified in the constitution or statement of intent of a council-controlled organisation.

(7) Subsection (5) does not apply to an arrangement if the entity that is responsible for governance is satisfied that—

(a) the entity responsible for delivery is a community group or a not-for-profit organisation; and

(b) the arrangement does not involve significant cost or risk to any local authority.

(8) The entity that is responsible for governance must ensure that any agreement under subsection (5) is made publicly available.

(9) Nothing in this section requires the entity that is responsible for governance to make publicly accessible any information that may be properly withheld if a request for that information were made under the Local Government Official Information and Meetings Act 1987.

Section 17A: inserted, on 8 August 2014, by section 12 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Subpart 4—Minister and Secretary

18 Responsibilities, powers, and duties of Minister

(1) The responsibilities, powers, and duties conferred or imposed on the Minister of Internal Affairs by any of the Acts specified in Schedule 1, or by any regulations, rules, orders, or bylaws made under any of those Acts, must be exercised or performed by the Minister.

(2) The Governor-General may, by Order in Council, amend Schedule 1 to add or delete any Act.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1974 No 66 s 2A

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 18(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

19 Secretary

The responsibilities, powers, and duties conferred on the Secretary for Internal Affairs by any of the Acts specified in Schedule 1, or by any regulations, rules, orders, or bylaws made under any such Act, must be exercised or performed by the Secretary for Local Government.

Compare: 1974 No 66 s 2B(2)

Part 3
Structure and reorganisation of local government

20 Outline of Part

This Part—

(a) sets out the structure of local government; and

(b) provides for the reorganisation of local authorities; and

(c) continues the Local Government Commission.

Subpart 1—Structure of local government

21 Local authorities

(1) Local government in New Zealand consists of the following local authorities:

(a) regional councils; and

(b) territorial authorities.

(2) Every part of New Zealand (other than the Chatham Islands) that is within the district of a territorial authority must also be within the region of 1 or more regional councils.

(3) Part 3 of Schedule 2 applies to the boundaries of regions and districts.

22 Minister is territorial authority in certain cases

(1) The Minister is the territorial authority for any part of New Zealand that does not form part of the district of a territorial authority.

(2) Subsection (1)—

(a) does not apply at all in relation to any of the following:

(i) the territorial sea; or

(ii) the Kermadec Islands; or

(iii) the Sub-Antarctic Islands (which include the Antipodes Islands, the Auckland Islands, the Bounty Islands, Campbell Island and the islands adjacent to Campbell Island, and the Snares Islands); and

(b) does not apply in relation to the Three Kings Islands (which include Great Island, South West Island, West Island, North East Island, and several islets and rock stacks) for the purposes of the Building Act 2004.

(3) For the purposes of the Building Act 2004,—

(a) the Minister of Local Government is the territorial authority for any part of New Zealand referred to in subsection (1); and

(b) the Minister of Conservation is the territorial authority for the islands referred to in subsection (2).

Compare: 1974 No 66 s 37R

Section 22(2): replaced, on 13 March 2012, by section 91(2) of the Building Amendment Act 2012 (2012 No 23).

Section 22(3): inserted, on 13 March 2012, by section 91(2) of the Building Amendment Act 2012 (2012 No 23).

23 Description of local government

(1) A territorial authority must be either a city council or a district council.

(2) A territorial authority that is a city council must be described as the "[*name of city*] City Council".

(3) A territorial authority that is a district council must be described as the "[*name of district*] District Council".

(3A) However, a territorial authority created as a unitary authority after 1 July 2013 must be described as "[*name of city or district*] Council".

(4) A regional council must be described as the "[*name of region*] Regional Council".

(4A) A local board must be described as the "[*name of local board area*] Local Board".

(5) Despite subsection (1), the Auckland Council and the Chatham Islands Council are territorial authorities.

Compare: 1974 No 66 s 37L(2), (3)

Section 23(3A): inserted, on 5 December 2012, by section 10 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 23(4A): inserted, on 8 August 2014, by section 13 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 23(5): substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Subpart 2—Reorganisation of local authorities

24AA Purpose of local government reorganisation provisions

The purpose of the local government reorganisation provisions of this Act is to promote good local government by enabling and facilitating improvements to local governance.

Section 24AA: replaced, on 22 October 2019, by section 8 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

24 Scope of local government reorganisation

(1) Local government reorganisation may provide for 1 or more of the following matters:

(a) the union of districts or regions:

(b) the constitution of a new district or region, including the constitution of a new local authority for that district or region:

(c) the abolition of a district or region, including the dissolution or abolition of the local authority for that district or region:

(d) the alteration of the boundaries of any district or region:

(e) the transfer from one local authority to another of—

(i) a responsibility, duty, or power conferred by an enactment; or

(ii) a discretionary function:

(f) the assumption by a territorial authority of the responsibilities, duties, and powers of a regional council as a unitary authority:

(g) the performance and exercise by a local authority of both—

(i) the responsibilities, duties, and powers of a regional council in respect of a region; and

(ii) the responsibilities, duties, and powers of a territorial authority in respect of a district that constitutes a part only of that region:

(h) the establishment of 1 or more joint committees and the delegation of responsibilities, duties, and powers to those committees:

(i) the establishment of a local board area, including the establishment of a local board for that area:

(j) in relation to a local board, other than a local board established under the Local Government (Auckland Council) Act 2009,—

(i) the means by which the chairperson is elected; and

(ii) whether the local board may include appointed members:

(k) the abolition of a local board area:

(l) the alteration of the boundaries of a local board area:

(m) the union of 2 or more local board areas.

(2) Schedule 3 applies in relation to local government reorganisation.

(3) However, Schedule 3A applies instead of Schedule 3 to a local government reorganisation if—

(a) the local government reorganisation only provides for 1 or more of the following matters:

(i) the establishment of a local board area, including the establishment of a local board for that area:

(ii) in relation to a local board, other than a local board established under the Local Government (Auckland Council) Act 2009,—

(A) the means by which the chairperson is elected; and

(B) whether the local board may include appointed members:

(iii) the abolition of a local board area:

(iv) the alteration of the boundaries of a local board area:

(v) the union of 2 or more local board areas; and

(b) the areas affected, or potentially affected, by each matter are wholly within the district of 1 existing unitary authority.

(4) Subsections (1) to (3), sections 24A to 26A, and Schedules 3 and 3A do not apply to an alteration of the boundaries of a local board area that is proposed by a unitary authority in accordance with section 19JAA of the Local Electoral Act 2001.

Section 24: replaced, on 22 October 2019, by section 9 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 24(3): inserted, on 31 August 2023, by section 40 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 24(4): inserted, on 31 August 2023, by section 40 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

24A Transitional modification or suspension of certain statutory requirements after issue of reorganisation plan

(1) The purpose of this section is to authorise the extension or postponement of certain statutory requirements after public notice of a reorganisation plan is given under clause 13 of Schedule 3 if a poll of electors on that plan is to be held under clause 25 of that schedule.

(2) This section applies to a reorganisation plan only if the plan provides for any of the matters specified in clause 23(1) of Schedule 3.

(3) The Governor-General may, by Order in Council, in relation to an affected local authority,—

(a) extend, for a period not exceeding 12 months, the time by which the local authority would otherwise have to complete, within the specified period, any action relating to the preparation or adoption of any plan, policy, or strategy required by or under any enactment:

(b) extend the time by which the local authority would otherwise have to complete anything relating to, and dependent or consequential on, the action in relation to which the period has been extended under paragraph (a):

(c) postpone, to a date not more than 12 months after the date determined under section 10 of the Local Electoral Act 2001, the next triennial general election of members of the local authority.

(4) However, the power under subsection (3)(c) may be exercised only if the triennial election, or any action or process preliminary to holding it, would otherwise be required to be held or taken in the specified period.

(5) An Order in Council may be made only—

(a) during the specified period; and

(b) on the recommendation of the Minister; and

(c) if the Minister is satisfied that the Order in Council is—

(i) necessary to avoid public confusion or waste of public resources; or

(ii) in the interests of the district of the affected local authority; and

(d) with the agreement of—

(i) the affected local authority; and

(ii) the Commission.

(6) In this section,—

specified period means the period—

(a) beginning on the date on which public notice is given of the reorganisation plan under clause 13 of Schedule 3; and

(b) ending on the close of the date that is 6 months after the date on which that public notice is given.

(7) An order under subsection (3) must be published in the *Gazette*.

Section 24A: inserted, on 5 December 2012, by section 13 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 24A heading: amended, on 22 October 2019, by section 10(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 24A(1): replaced, on 22 October 2019, by section 10(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 24A(2): replaced, on 22 October 2019, by section 10(3) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 24A(6) **specified period**: replaced, on 22 October 2019, by section 10(4) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 24A(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

25 Order in Council to give effect to reorganisation plan

(1) A reorganisation plan to which clause 22C(5) or 33 of Schedule 3 or clause 17(5) of Schedule 3A applies—

(a) is given effect to by Order in Council made on the recommendation of the Minister; and

(b) has effect on and from the date or dates specified for that purpose by that Order in Council (as required by subsection (3)(a)).

(2) The Minister must recommend the making of an Order in Council under subsection (1) unless the Minister is satisfied, on reasonable grounds, that—

(a) the process followed in developing the reorganisation plan was not in accordance with the requirements of this Act; or

(b) the development of the reorganisation plan failed to give proper weight to the relevant principles, considerations, and criteria set out in this Act.

(3) An Order in Council made under subsection (1)—

(a) must specify the date or dates on which its provisions come into effect; and

(b) in the case of a reorganisation plan to which clause 33 of Schedule 3 applies, must establish and provide for 1 or more transition bodies in accordance with—

(i) clauses 33 to 40 of Schedule 3; and

(ii) the provisions in the reorganisation plan relating to transitional matters; and

(c) may, with the agreement of the Commission, suspend any statutory requirement that an affected local authority would otherwise be subject to if the reorganisation would make compliance with the statutory requirement unnecessary or inappropriate.

(4) An Order in Council made under subsection (1) may, if appropriate, amend Part 1 or 2 of Schedule 2 of this Act.

(5) An Order in Council giving effect to a reorganisation plan is not invalid merely because it is inconsistent with the provisions of the reorganisation plan if the inconsistency relates to—

(a) corrections of clerical, grammatical, or typographical errors; or

(b) the inclusion of provisions that are necessary to give legal effect to the reorganisation plan; or

(c) the omission of explanatory material or other material that is not necessary to give legal effect to the reorganisation plan; or

(d) matters of a format or referential nature that do not alter the substance or effect of the reorganisation plan.

(6) An order under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 s 67(d)(i)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 25: replaced, on 22 October 2019, by section 11 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 25(1): amended, on 31 August 2023, by section 41(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 25(3)(b): amended, on 31 August 2023, by section 41(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 25(4): amended, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 25(4): amended, on 15 December 2022, by section 223 of the Water Services Entities Act 2022 (2022 No 77).

Section 25(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

25A Order in Council to give effect to reorganisation implementation scheme

(1) A reorganisation implementation scheme prepared and issued under clause 41(2) of Schedule 3—

(a) is given effect to by Order in Council made on the recommendation of the Minister; and

(b) has effect on and from the date or dates specified for that purpose by that Order in Council (as required by subsection (2)(a)).

(2) An Order in Council made under subsection (1) must specify—

(a) the date or dates on which its provisions come into effect; and

(b) the date on which the local government reorganisation described in the order takes effect (the **implementation date** for the purposes of the provisions of Schedule 3).

(3) An Order in Council giving effect to a reorganisation implementation scheme is not invalid merely because it is inconsistent with the provisions of the reorganisation plan or the reorganisation implementation scheme if the inconsistency relates to—

(a) corrections of clerical, grammatical, or typographical errors; or

(b) the inclusion of provisions that are necessary to give legal effect to the reorganisation implementation scheme; or

(c) the omission of explanatory material or other material that is not necessary to give legal effect to the reorganisation implementation scheme; or

(d) matters of a format or referential nature that do not alter the substance or effect of the reorganisation implementation scheme.

(4) If a reorganisation implementation scheme does not specifically provide for a matter that the Secretary considers to be necessary, desirable, or incidental as a consequence of the scheme,—

(a) the Secretary must consult the Commission, and each affected local authority, about the inclusion of the matter in the Order in Council under subsection (1); and

(b) the matter may be included in the Order in Council if the Minister considers the inclusion is appropriate.

(5) Clauses 45 and 46 of Schedule 3 apply in respect of each reorganisation implementation scheme that is given effect to by Order in Council, except to the extent that the Order in Council provides that the clauses are—

(a) amended in their application; or

(b) declared not to apply.

(6) Clauses 47 to 60A of Schedule 3 apply to each reorganisation implementation scheme that is given effect to by Order in Council.

(7) An order under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 s 67(d)(i)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 25A: inserted, on 22 October 2019, by section 11 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 25A(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26 Power to amend reorganisation plans and reorganisation implementation schemes

(1) A reorganisation plan may be amended by a further reorganisation plan that is developed and adopted in accordance with this Act and that is given effect by an Order in Council under section 25.

(2) A reorganisation implementation scheme may be amended by a further reorganisation implementation scheme that is developed and adopted in accordance with this Act and that is given effect by an Order in Council under section 25A.

Section 26: replaced, on 22 October 2019, by section 12 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

26A Duties of local authorities in relation to local government reorganisation

(1) It is the duty of every local authority to co-operate with, give reasonable assistance to, and provide information to the Commission to enable it to perform its functions and exercise its powers in relation to local government reorganisation.

(2) Without limiting subsection (1), an affected local authority must comply with any lawful request by the Commission for information held or reasonably available to the local authority that may be relevant to a reorganisation investigation or to the development of a reorganisation implementation scheme.

(3) An affected local authority must not make a decision described in subsection (4) at any time after an Order in Council giving effect to a reorganisation plan is made under section 25, without first consulting the Commission.

(4) Subsection (3) applies to any decision of an affected local authority that may, directly or because of its consequences,—

(a) significantly prejudice the implementation of the reorganisation plan; or

(b) significantly constrain the powers or capacity of any local authority to be established or changed under the final proposal, or any subsidiary of any such local authority, following the implementation of the final proposal; or

(c) have a significant negative impact on the assets or liabilities that may be transferred to any local authority in the implementation of the final proposal.

(5) A local authority that receives a report or recommendation from the Commission under clause 9 of Schedule 3 or clause 8 of Schedule 3A must—

(a) make the report or recommendation publicly available; and

(b) consider and respond to the Commission in relation to the report or recommendation; and

(c) make the response publicly available.

(6) A local authority must comply with subsection (5)—

(a) within 30 working days after receiving the report or recommendation; or

(b) by a later date specified by the Commission in the report or recommendation.

(7) Nothing in this section requires a local authority to make publicly accessible any information that may be properly withheld if a request for that information were made under the Local Government Official Information and Meetings Act 1987.

Section 26A: inserted, on 5 December 2012, by section 15 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 26A(2): amended, on 22 October 2019, by section 13(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 26A(3): amended, on 22 October 2019, by section 13(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 26A(4)(a): amended, on 22 October 2019, by section 13(3) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 26A(5): inserted, on 22 October 2019, by section 13(4) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 26A(5): amended, on 31 August 2023, by section 42 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 26A(6): inserted, on 22 October 2019, by section 13(4) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 26A(7): inserted, on 22 October 2019, by section 13(4) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

27 Application to be called city council or district council

(1) A territorial authority that wishes to be called a city council or a district council may apply to the Local Government Commission.

(2) The Commission may refer the application to the Minister for the preparation of an Order in Council to give effect to it, if the Commission considers that—

(a) the application should be approved; and

(b) in the case of a territorial authority wishing to be called a city council, the district of the territorial authority meets the criteria specified in clause 16 of Schedule 3.

(3) The Governor-General may, by Order in Council made on the recommendation of the Minister, give effect to the application.

(4) The Order in Council may consequentially amend Part 2 of Schedule 2.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 s 67(d)(i)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 27(1): amended, on 22 October 2019, by section 14 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 27(2)(b): amended, on 8 August 2014, by section 15 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 27(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

27A Change of name of unitary authorities

(1) A unitary authority that is described as a city council or district council may apply to the Minister to change its name to the "[*name of city or district*] Council".

(2) The Governor-General may, by Order in Council made on the recommendation of the Minister, give effect to the application.

(3) The Order in Council may consequentially amend Part 2 of Schedule 2.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 s 67(d)(i)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 27A: inserted, on 5 December 2012, by section 17 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 27A(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

27B Orders in Council to be published in *Gazette*

[Repealed]

Section 27B: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 3—Local Government Commission

28 Local Government Commission

There continues to be a Local Government Commission.

Compare: 1974 No 66 s 37V

29 Commission is body corporate with full powers

(1) The Commission is a body corporate with perpetual succession.

(2) For the purpose of performing its functions, the Commission has—

(a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and

(b) for the purposes of paragraph (a), full rights, powers, and privileges.

(3) The Commission is a public office for the purposes of the Public Records Act 2005.

Section 29(3): inserted, on 22 October 2019, by section 15 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

30 Functions and powers of Commission

(1) The Commission has the functions, duties, and powers conferred on it by this Act or any other enactment.

(2) Without limiting subsection (1), the Commission may—

(a) provide information about local government; and

(b) promote good practice relating to a local authority or to local government generally.

Compare: 1974 No 66 s 37W

31 Report to Minister on matters relating to local government

(1) The Commission may consider, report on, and make recommendations to the Minister and any relevant local authority on matters relating to a local authority or local government considered appropriate by the Commission.

(1A) *[Repealed]*

(2) The Commission must consider, report on, and make recommendations to the Minister and any relevant local authority on matters relating to a local authority or local government that are referred to the Commission by the Minister.

(3) If the Minister refers any matter to the Commission under subsection (2), the Minister must immediately publish the terms of reference in the *Gazette*.

(4) A local authority that receives a report or recommendation from the Commission under subsection (1) or subsection (2) must consider and respond to the Commission in relation to the report or recommendation.

(5) A local authority must comply with subsection (4)—

(a) by a date specified by the Commission; or

(b) if the Commission does not specify a date, within 20 working days after receiving a report or recommendation.

Compare: 1974 No 66 s 37X

Section 31(1A): repealed, on 22 October 2019, by section 16 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

31A Minister's expectations of Commission in relation to local government reorganisation

(1) The Minister may, by notice in writing to the Commission, specify expectations relating to the Commission's performance of its functions and exercise of its powers under Schedule 3 or 3A.

(1A) The Minister must state in the notice the Minister's objectives in respect of the expectations specified in the notice.

(2) Without limiting subsection (1), the Minister may specify—

(a) the time frames within which the Commission is expected to complete specified matters:

(b) which reorganisation applications are to be regarded by the Commission as having a higher priority.

(3) Before specifying expectations under this section, the Minister—

(a) must consult the Commission; and

(b) may consult any other persons or organisations that the Minister considers appropriate to consult.

(4) The Commission must publish, on its Internet site,—

(a) any expectations given to it by the Minister under subsection (1); and

(b) a statement of the impact that meeting those expectations will have on the performance of its functions and exercise of its powers under Schedule 3 or 3A.

(5) The Commission must, in its report to the Minister under clause 31 of Schedule 4, describe how and the extent to which it has met the expectations specified under subsection (1).

Section 31A: inserted, on 5 December 2012, by section 19 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 31A(1): amended, on 31 August 2023, by section 43(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 31A(1): amended, on 22 October 2019, by section 17(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 31A(1A): inserted, on 22 October 2019, by section 17(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 31A(3): amended, on 22 October 2019, by section 17(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 31A(4)(a): amended, on 22 October 2019, by section 17(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 31A(4)(b): amended, on 31 August 2023, by section 43(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 31A(4)(b): amended, on 22 October 2019, by section 17(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 31A(5): amended, on 22 October 2019, by section 17(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

32 Review of operation of Act and Local Electoral Act 2001

(1) The Commission must—

(a) review the operation of this Act and the Local Electoral Act 2001; and

(b) present a report on the review to the Minister.

(2) The report must be presented to the Minister as soon as practicable after the triennial general election of members of local authorities in 2007.

(3) Without limiting the scope of the review, the review must determine and assess—

(a) the impact of conferring on local authorities full capacity, rights, powers, and privileges; and

(b) the cost-effectiveness of consultation and planning procedures; and

(c) the impact of increasing participation in local government and improving representation on local authorities.

(4) The Commission must, no later than 1 July 2005, present a report to the Minister if it considers that amendments should be made to this Act or the Local Electoral Act 2001 before the triennial general election of members of local authorities in 2007.

33 Membership of Commission

(1) The Commission consists of a minimum of 1 member and a maximum of 3 members appointed by the Minister.

(2) If the Commission consists of 2 members or 3 members,—

(a) 1 member—

(i) must have a knowledge of tikanga Māori; and

(ii) must be appointed by the Minister after consultation with the Minister for Māori Development; and

(b) 1 member—

(i) must have experience as an elected member or the chief executive of a local authority; and

(ii) must be appointed by the Minister after consultation with the New Zealand Local Government Association Incorporated.

(2A) If the Commission consists of 1 member, that member must be appointed by the Minister, who must—

(a) take into consideration whether the member has a knowledge of tikanga Māori or experience as an elected member or the chief executive of a local authority; and

(b) consult with—

(i) the Minister for Māori Development; and

(ii) the New Zealand Local Government Association Incorporated.

(3) The powers of the Commission are not affected by any vacancy in its membership.

(4) No person is to be treated as employed in the service of the Crown for the purposes of the Government Superannuation Fund Act 1956 or the Public Service Act 2020 because the person is a member of the Commission.

(5) In this section, **tikanga Māori** means Māori custom and practice.

Compare: 1974 No 66 s 37Y

Section 33(1): amended, on 22 October 2019, by section 18(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 33(2): replaced, on 22 October 2019, by section 18(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 33(2A): inserted, on 22 October 2019, by section 18(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 33(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

34 Additional powers of Commission

(1) For the purposes of performing its functions under this Act, the Commission—

(a) has the powers of the District Court exercising its civil jurisdiction in respect of citing parties and conducting and maintaining order at any meeting or hearing; and

(b) is to be treated as an inquiry for the purposes of sections 14, 19 to 27, 29, 30, and 34 of the Inquiries Act 2013.

(2) The chairperson of the Commission, or any other person (being a member of the Commission or an officer of the public service) acting by direction or with the authority of the chairperson, may do any act preliminary or incidental to the investigation or consideration of any matter by the Commission.

Section 34: replaced, on 22 October 2019, by section 19 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 34(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

35 Evidence before Commission

(1) The Evidence Act 2006 applies to the Commission and its members, and to all proceedings before the Commission, in the same manner as if the Commission were a court within the meaning of that Act.

(2) However, the Commission may receive as evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matter being dealt with, whether or not the same would be admissible in a court of law.

Compare: 1974 No 66 Schedule 3A cl 9

Section 35(1): amended, on 1 August 2007, by section 216 of the Evidence Act 2006 (2006 No 69).

35A Application of Official Information Act 1982

(1) This section applies to information created or received by the Commission in the course of—

(a) the consideration of any matter under section 31:

(b) a reorganisation investigation under Part 1 of Schedule 3 or Part 1 of Schedule 3A:

(c) the review of a local authority-led reorganisation application under clause 22C of Schedule 3 or clause 17 of Schedule 3A:

(d) the resolution of a dispute by the Commission under this Act or another enactment:

(e) the determination of an appeal or objection under section 19R of the Local Electoral Act 2001.

(2) Information to which this section applies is not official information for the purposes of the Official Information Act 1982 until the consideration, investigation, resolution, review, or determination has been completed.

Section 35A: inserted, on 22 October 2019, by section 20 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 35A(1)(b): amended, on 31 August 2023, by section 44(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 35A(1)(c): amended, on 31 August 2023, by section 44(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

36 Further provisions relating to Commission and its proceedings

Schedule 4 applies in respect of the Commission and its proceedings.

37 Appeals against decisions of Commission

Schedule 5 applies in respect of appeals against decisions of the Commission.

Part 4
Governance and management of local authorities and community boards

38 Outline of Part

This Part—

(a) identifies the principles and requirements for the governance and management of local authorities; and

(b) provides for the establishment of community boards and their governance arrangements.

Subpart 1—Local authorities

Governance and management

39 Governance principles

A local authority must act in accordance with the following principles in relation to its governance:

(a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and

(b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and

(c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and

(d) a local authority should be a good employer; and

(e) a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

40 Local governance statements

(1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—

(a) the functions, responsibilities, and activities of the local authority; and

(b) any local legislation that confers powers on the local authority; and

(ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and

(c) the electoral system and the opportunity to change it; and

(d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and

(e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and

(f) governance structures and processes, membership, and delegations; and

(g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and

(h) consultation policies; and

(i) policies for liaising with, and memoranda or agreements with, Māori; and

(j) the management structure and the relationship between management and elected members; and

(ja) the remuneration and employment policy, if adopted; and

(k) equal employment opportunities policy; and

(l) key approved planning and policy documents and the process for their development and review; and

(m) systems for public access to it and its elected members; and

(n) processes for requests for official information.

(2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.

(3) A local authority must update its governance statement as it considers appropriate.

Section 40(1)(ba): inserted, on 14 October 2007, by section 7 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 40(1)(ja): inserted, on 5 December 2012, by section 20 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Governing bodies and chief executives

41 Governing bodies

(1) A regional council must have a governing body consisting of—

(a) members elected in accordance with the Local Electoral Act 2001; and

(b) a chairperson elected by members of the regional council in accordance with clause 25 of Schedule 7.

(2) A territorial authority must have a governing body consisting of members and a mayor elected in accordance with the Local Electoral Act 2001.

(3) A governing body of a local authority is responsible and democratically accountable for the decision-making of the local authority.

(4) A chairperson of a regional council, or a mayor of a territorial authority, is a Justice of the Peace during the time that he or she holds the office of chairperson or mayor.

(5) An employee of a local authority who is elected to be a member of the local authority's governing body must resign from his or her position as an employee of the local authority before taking up his or her position as a member of the local authority.

Compare: 1974 No 66 ss 101C, 101CA, 101N, 101T

41A Role and powers of mayors

(1) The role of a mayor is to provide leadership to—

(a) the other members of the territorial authority; and

(b) the people in the district of the territorial authority.

(2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

(3) For the purposes of subsections (1) and (2), a mayor has the following powers:

(a) to appoint the deputy mayor:

(b) to establish committees of the territorial authority:

(c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—

(i) may make the appointment before the other members of the committee are determined; and

(ii) may appoint himself or herself.

(4) However, nothing in subsection (3) limits or prevents a territorial authority from—

(a) removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or

(b) discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or

(c) appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or

(d) discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).

(5) A mayor is a member of each committee of a territorial authority.

(5A) *[Repealed]*

(6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).

(7) To avoid doubt,—

(a) clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a):

(b) clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

Section 41A: inserted, on 12 October 2013, by section 21 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 41A(5A): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

42 Chief executive

(1) A local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a chief executive.

(2) A chief executive appointed under subsection (1) is responsible to his or her local authority for—

(a) implementing the decisions of the local authority; and

(b) providing advice to members of the local authority and to its community boards, if any; and

(c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and

(d) ensuring the effective and efficient management of the activities of the local authority; and

(da) facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001; and

(e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and

(f) providing leadership for the staff of the local authority; and

(g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and

(h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

(2A) In the case of a unitary authority for a district that includes 1 or more local board areas, a chief executive appointed under subsection (1) is also responsible to the unitary authority for—

(a) implementing the decisions of each local board within the district of the unitary authority; and

(b) implementing each local board agreement; and

(c) providing advice to each local board and its members; and

(d) providing the administrative and other facilities for each local board that are necessary for the board to carry out its functions and perform its duties.

(3) A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority—

(a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and

(b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.

(4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

Compare: 1974 No 66 ss 119C, 119D

Section 42(2)(da): inserted, on 21 March 2019, by section 15 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 42(2)(g): amended, on 5 December 2012, by section 22(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 42(2)(h): amended, on 5 December 2012, by section 22(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 42(2A): inserted, on 8 August 2014, by section 16 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Other governance matters

43 Certain members indemnified

(1) A member of a local authority (or a committee, community board, or other subordinate decision-making body of that local authority) is indemnified by that local authority, whether or not that member was elected to that local authority or community board under the Local Electoral Act 2001 or appointed by the local authority, for—

(a) costs and damages for any civil liability arising from any action brought by a third party if the member was acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the local authority (or committee, community board, or other subordinate decision-making body of that local authority); and

(b) costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a member.

(2) Subsection (1) does not apply to a member's liability for a loss under section 46.

(3) To avoid doubt, a local authority may not indemnify a director of a council-controlled organisation for any liability arising from that director's acts or omissions in relation to that council-controlled organisation.

44 Report by Auditor-General on loss incurred by local authority

(1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:

(a) money belonging to, or administrable by, a local authority has been unlawfully expended; or

(b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or

(c) a liability has been unlawfully incurred by the local authority; or

(d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

(2) If the Auditor-General is satisfied that a local authority has incurred a loss, the Auditor-General may make a report on the loss to the local authority, and may include in the report any recommendations in relation to the recovery of the loss or the prevention of further loss that the Auditor-General thinks fit.

(3) The Auditor-General must send copies of the report to the Minister and every member of the local authority.

Compare: 1974 No 66 s 706A

45 Local authority to respond to Auditor-General

(1) On receipt of a report from the Auditor-General, the local authority must, within 28 days, respond in writing to the Auditor-General, and send a copy of the response to the Minister.

(2) The local authority's response must—

(a) respond to each of the Auditor-General's recommendations; and

(b) include a statement as to what action, if any, the local authority intends to take in respect of the loss.

(3) The Minister may extend the period of time within which the local authority must forward its response.

(4) An individual member of the local authority may respond to the Auditor-General—

(a) by making a separate response to the Auditor-General, and sending a copy to the local authority and the Minister, within the time required for the local authority's response; or

(b) with the consent of the local authority, by incorporating that member's response in the local authority's response.

(5) The local authority must, as soon as practicable after the expiry of the time for forwarding its response, table in a meeting of the local authority that is open to the public a copy of the Auditor-General's report, the local authority's response, and any response of an individual member of the local authority not incorporated in the local authority's response.

Compare: 1974 No 66 s 706B

46 Members of local authority liable for loss

(1) If the Auditor-General has made a report on a loss to a local authority under section 44, then, without limiting any other person's liability for the loss, the loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally.

(2) If the members of the local authority or any other person or persons do not pay the amount of the loss to the Crown or the local authority within a reasonable time, the Crown may commence proceedings to recover the loss from any or all of those members.

(3) Any amount recovered by the Crown under subsection (2), less all costs incurred by the Crown in respect of the recovery, must be paid by the Crown to the local authority concerned.

(4) It is a defence to any proceedings under subsection (2) if the defendant proves that the act or failure to act resulting in the loss occurred—

(a) without the defendant's knowledge; or

(b) with the defendant's knowledge but against the defendant's protest made at or before the time when the loss occurred; or

(c) contrary to the manner in which the defendant voted on the issue at a meeting of the local authority; or

(d) in circumstances where, although being a party to the act or failure to act, the defendant acted in good faith and in reliance on reports, statements, financial data, or other information prepared or supplied, or on professional or expert advice given, by any of the following persons:

(i) an employee of the local authority whom the defendant believed on reasonable grounds to be reliable and competent in relation to the matters concerned:

(ii) a professional adviser or expert in relation to matters that the defendant believed on reasonable grounds to be within the person's professional or expert competence.

Compare: 1974 No 66 s 706C

47 Members may be required to pay costs of proceeding in certain cases

(1) This section applies if, in a proceeding commenced by the Attorney-General, the local authority is—

(a) held to have—

(i) disposed of, or dealt with, any of its property wrongfully or illegally; or

(ii) applied its property to any unlawful purpose; or

(iii) permitted the reserves that it must manage to be used for purposes not authorised by law; or

(b) restrained from acting in the ways referred to in paragraph (a).

(2) If subsection (1) applies, costs and other expenses arising out of the proceeding or incurred in doing the things to which the proceeding relates—

(a) must not be paid out of general revenues by the local authority; and

(b) must be paid, by order of the court, by the members of the local authority who, by voting or otherwise, assented to the acts concerned.

(3) The court must not make an order under subsection (2) against a member of the local authority if the member proves that, in doing the act concerned,—

(a) the member acted in good faith and in accordance with the written advice of the solicitor to the local authority; or

(b) the member acted honestly and reasonably and, having regard to all the circumstances of the case, the member ought fairly to be excused.

Compare: 1974 No 66 s 706

47A Application of sections 43 to 47 to planning committees under Natural and Built Environment Act 2023

[Repealed]

Section 47A: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

48 Further provisions of Schedule 7

The following activities of local authorities must be carried out in accordance with Part 1 of Schedule 7:

(a) vacation of office by members:

(b) remuneration of members:

(c) conduct of members:

(d) election and removal of chairperson, deputy chairperson, and deputy mayor:

(e) calling of meetings:

(f) conduct of meetings:

(g) procedures at meetings:

(h) subordinate decision-making structures:

(i) delegations:

(j) employment of staff:

(k) adoption of a remuneration and employment policy.

Section 48(k): inserted, on 5 December 2012, by section 23 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Subpart 1A—Local boards

Subpart 1A: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48A Application

(1) This subpart applies only to a unitary authority for a district that includes 1 or more local board areas established by Order in Council under section 25.

(2) Nothing in this subpart applies to the Auckland Council established under section 6 of the Local Government (Auckland Council) Act 2009 or to any local board of that council.

Section 48A: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48B Interpretation

In this subpart, **local activities** means the non-regulatory activities of the unitary authority in respect of which a local board is allocated decision-making responsibility under section 48L, including—

(a) providing services; and

(b) providing and operating facilities; and

(c) providing funding and other support to groups and organisations.

Section 48B: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48C Purpose of local boards

The purpose of a local board, in relation to its local board area, is to—

(a) enable democratic decision making by, and on behalf of, communities within the local board area; and

(b) better enable the purpose of local government to be given effect to within the local board area.

Section 48C: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48D Unitary authority decision making shared between governing body and local boards

(1) Despite section 41(3), if a unitary authority has 1 or more local boards, the governing body and the local board or boards are each responsible and democratically accountable for the decision-making responsibilities of the unitary authority that are allocated to them in accordance with sections 48J to 48L.

(2) A governance statement prepared by the unitary authority for the purposes of section 40 must include a description and an explanation of the matters referred to in subsection (1) of this section.

Section 48D: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48E Membership of local boards

The membership of a local board consists of—

(a) members elected in accordance with the Local Electoral Act 2001; and

(b) if an Order in Council under section 25 so provides, members appointed by the governing body in accordance with section 19EA(1)(c) of the Local Electoral Act 2001; and

(c) a chairperson—

(i) elected by the members of the local board from among themselves using one of the systems of voting set out in clause 25(3) and (4) of Schedule 7; or

(ii) if an Order in Council under section 25 so provides, directly elected to that office by the electors of the local board area in accordance with section 19EB of the Local Electoral Act 2001.

Section 48E: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48F Indemnification and liability of local board members

(1) Sections 43, 46, and 47 apply to a member of a local board, with any necessary modifications, as if the member were a member of the governing body of the unitary authority.

(2) However, a member of a local board can be liable under section 46 or 47 only in respect of a matter that is the responsibility of the member's local board.

Section 48F: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48G Status of local boards

(1) A local board is an unincorporated body.

(2) A local board is not a local authority, a community board, or a committee of a governing body.

(3) A local board does not have separate legal standing from the unitary authority and therefore, without limitation, may not—

(a) acquire, hold, or dispose of property; or

(b) enter into contracts; or

(c) appoint, suspend, or remove employees; or

(d) commence, or be a party to, or be heard in legal proceedings.

(4) Nothing in this section limits the responsibility of a local board to make the decisions of the unitary authority that are allocated to it in accordance with section 48K.

Section 48G: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48H Functions, duties, and powers of local boards

(1) A local board has the functions, duties, and powers conferred on a local board by or under this Act or any other enactment.

(2) Without limiting subsection (1), a local board—

(a) must exercise the responsibilities conferred on it by section 48K(1); and

(b) must monitor and report on the implementation of the local board agreement for its local board area (in accordance with section 48O(6) and clause 34A of Schedule 10); and

(c) must communicate with community organisations and special interest groups within its local board area; and

(d) must undertake any responsibilities or duties that are delegated to it by the governing body under clause 36C of Schedule 7; and

(e) may consider and report to the governing body on any matter of interest or concern to the local board, whether or not the matter is referred to it by the governing body; and

(f) may exercise any powers that are delegated to it by the governing body under clause 36C of Schedule 7.

Section 48H: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Decision making

Heading: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48I General scheme

(1) This section sets out the general scheme of sections 48J to 48O. These are the provisions of this Act that set out how a unitary authority with local boards makes its decisions. This section is by way of explanation only and does not limit or affect the other provisions of this Act or any other enactment.

(2) Both the governing body and the local boards are responsible and democratically accountable for the decision making of the unitary authority. Whether responsibility for making any particular decision rests with the governing body or with 1 or more local boards depends on the nature of the decision being made.

(3) Section 48J sets out the classes of decisions that the governing body must make. Section 48K sets out the classes of decisions that local boards must make. Both sections include a class of decisions in respect of non-regulatory activities of the unitary authority within a local board area. The governing body must allocate responsibility for decisions within this class to either itself or the local board for the area, in accordance with the principles in section 48L(2). The results of the allocation must then be set out in the long-term plan and the annual plans of the unitary authority so that people of each local board area, and any other persons, can easily determine whether the governing body or a local board is responsible for any particular decision of the unitary authority.

(4) To determine local wishes and priorities in relation to the non-regulatory activities for which a local board is allocated responsibility, the board must consult its communities. The local board does this by preparing a local board plan under section 48N. This plan is used as a basis for the board to develop an

annual local board agreement with the governing body under section 48O in which the nature, levels, and funding of the activities are set out.

Section 48I: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48J Decision-making responsibilities of governing body

(1) The governing body is responsible and democratically accountable for—

(a) the decision making of the unitary authority in relation to any regulatory responsibility, duty, or power conferred on, or applying to, the unitary authority under this Act or any other enactment (for example, the responsibilities, duties, or powers conferred on, or applying to, a local authority under the Resource Management Act 1991, the Health Act 1956, the Building Act 2004, and the Civil Defence Emergency Management Act 2002); and

(b) the decision making of the unitary authority in relation to—

(i) transport networks and infrastructure; and

(ii) any non-regulatory activities of the unitary authority that are allocated to the governing body in accordance with section 48L; and

(c) the decision making of the unitary authority in relation to the establishment and maintenance of capacity to provide, or to ensure the provision of, services and facilities (including local activities) by the unitary authority; and

(d) the decision making of the unitary authority in relation to the governance of its council-controlled organisations; and

(e) the decision making of the unitary authority in relation to compliance with section 101 (which relates to the financial management of a local authority); and

(f) reaching agreement with each local board (as set out in each local board agreement) in respect of local activities for the local board areas.

(2) Before making a decision described in subsection (1)(a) to (d), the governing body must—

(a) comply with any requirement of this Act; and

(b) comply with any requirements of any other enactment; and

(c) consider any views and preferences expressed by a local board if the decision affects or may affect the responsibilities or operation of the local board or the well-being of communities within its local board area.

Section 48J: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 48J(1)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

48K Decision-making responsibilities of local boards

(1) Despite section 41(3), each local board is responsible and democratically accountable for—

(a) the decision making of the unitary authority in relation to the non-regulatory activities of the unitary authority that are allocated to the local board in accordance with section 48L; and

(b) identifying and communicating to the unitary authority the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the unitary authority; and

(c) identifying and developing bylaws specifically for its local board area, and proposing them to the governing body under section 150B; and

(d) reaching agreement with the governing body (as set out in the local board agreement) in respect of local activities for its local board area.

(2) In carrying out the responsibilities described in this section, a local board must comply with the requirements of sections 76 to 82 as if every reference in those sections to a local authority were a reference to a local board.

(3) In carrying out the responsibilities described in this section, a local board must collaborate and co-operate with 1 or more other local boards or any other body or entity if the local board is satisfied that the interests and preferences of communities within the local board area will be better served by doing so.

Section 48K: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48L Principles for allocation of decision-making responsibilities of unitary authority

(1) Decision-making responsibility for any non-regulatory activity of the unitary authority within a local board area must be allocated by the governing body—

(a) to either the governing body or the local board for that area; and

(b) in accordance with the principles set out in subsection (2); and

(c) after considering the views and preferences expressed by the local board.

(2) The principles are—

(a) decision-making responsibility for a non-regulatory activity of the unitary authority within a local board area should be exercised by the local board for that area unless paragraph (b) applies:

(b) decision-making responsibility for a non-regulatory activity of the unitary authority within a local board area should be exercised by its governing body if the nature of the activity is such that decision making on a district-wide basis will better promote the interests of the communities in the district because—

(i) the impact of the decision will extend beyond the local board area; or

(ii) effective decision making will require alignment or integration with other decisions that are the responsibility of the governing body; or

(iii) the benefits of a consistent or co-ordinated approach in the district will outweigh the benefits of reflecting the particular needs and preferences of the communities within the local board area.

(3) The long-term plan and each annual plan must identify the non-regulatory activities of the unitary authority for which decision-making responsibility is allocated to 1 or more local boards as set out in clauses 17A and 21A of Schedule 10.

Section 48L: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Local boards funding policy

Heading: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48M Local boards funding policy

(1) To provide for predictability and certainty about levels of funding for local boards, a unitary authority must adopt a local boards funding policy as part of its long-term plan.

(2) The local boards funding policy must set—

(a) the basis on which the total funds to be allocated to meet the cost of all local activities within the district is to be determined; and

(b) the formula by which the total funds allocated by the unitary authority for meeting the cost of funding local activities are to be allocated to each local board; and

(c) the formula by which the total funds allocated by the unitary authority for meeting the cost of funding the administrative support to local boards are to be allocated to each local board.

(3) The local boards funding policy must also identify any funding (except funding dedicated to particular purposes) that may be available to local boards for local activities and the criteria or process by which it may be allocated to them.

(4) The formula referred to in subsection (2)(b) must allocate funds to each local board in a way that provides an equitable capacity for the local board to enhance the well-being of the communities in its local board area, having regard to the following factors:

(a) the level of dependence on local government services and facilities in each local board area and in other parts of the district (as informed by information available to the unitary authority by reasonable means, and relating to the socio-economic, population, age profile, and other

demographic characteristics of each local board area and other part of the district); and

(b) the costs of achieving and maintaining the identified levels of service provision for local activities in each local board area; and

(c) the rates revenue and any other revenue derived from each local board area in relation to local activities; and

(d) any other factor identified by the unitary authority as significantly affecting the nature and level of services needed in any local board area or any other part of the district (for example, the geographic isolation of a particular local board area or part of the district).

(5) The formula referred to in subsection (2)(c) must allocate funds to each local board in a way that provides equitable resources and support to that local board, having regard to the following factors:

(a) the number of elected members on the local board; and

(b) the size of the local board area; and

(c) any other factor identified by the unitary authority as significantly affecting the operational costs of the local board; and

(d) the funding amount allocated to the local board under subsection (4).

(6) If the unitary authority amends its local boards funding policy under section 93(4), only a significant amendment to the policy is required to be audited in accordance with sections 93D(4) and 94.

Section 48M: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Local board plans and agreements

Heading: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48N Local board plans

(1) Each local board must adopt a local board plan—

(a) as soon as practicable after each triennial general election; but

(b) not later than 31 October in the year immediately after the year of that election.

(2) The purpose of a local board plan is—

(a) to reflect the priorities and preferences of the communities within the local board area in respect of the level and nature of local activities to be provided by the unitary authority over the next 3 years; and

(b) to identify and describe the interests and preferences of the people within the local board area for the purpose of enabling the local board to communicate those interests and preferences for the purposes of section 48K(1)(b); and

(c) to provide a basis for developing the local board agreement for the next 3 years; and

(d) to inform the development of the next long-term plan, particularly in relation to the identification of the non-regulatory activities of the unitary authority for which decision-making responsibility should be allocated to the local board; and

(e) to provide a basis for accountability of the local board to the communities in the local board area; and

(f) to provide an opportunity for people to participate in decision-making processes on the nature and level of local activities to be provided by the unitary authority within the local board area.

(3) A local board plan must include—

(a) a statement of the default levels of service for local activities; and

(b) an explanation of each variation from the default levels of services proposed for the local board area, if any; and

(c) an estimate of the additional cost or saving associated with each variation, if any; and

(d) an indicative local board budget, incorporating the estimates referred to in paragraph (c), that—

(i) does not exceed the estimated funding allocation for the local board for the following year included in the long-term plan under clause 17A(c) of Schedule 10; or

(ii) exceeds the estimated funding allocation referred to in subparagraph (i), but identifies how the expenses in excess of that allocation are proposed to be met from 1 or more local revenue sources.

(4) In adopting a local board plan under subsection (1), a local board may follow whatever processes it considers appropriate to give effect to—

(a) the purpose of the plan; and

(b) the requirements in section 82.

(5) In this section,—

default levels of service means the levels of service provision for local activities in the district that are—

(a) funded in each local board funding allocation; and

(b) specified in the long-term plan (in accordance with clause 4 of Schedule 10)

following year means the year commencing on the next 1 July.

(6) In subsection (3)(d)(ii), **local revenue sources** include—

(a) a targeted rate for all or part of the local board area; and

(b) a fee or charge relating to a local activity; and

(c) any other revenue connected with a local activity.

Section 48N: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48O Local board agreements

(1) For each financial year, the unitary authority must have a local board agreement (as agreed between the governing body and the local board) for each local board area.

(2) A local board agreement must set out how the unitary authority will, in the year to which the agreement relates, reflect the priorities and preferences in the local board's plan in respect of—

(a) the local activities to be provided in the local board area; and

(b) the responsibilities, duties, or powers delegated to the local board by the governing body under clause 36C of Schedule 7; and

(c) the implementation or enforcement of bylaws made by the unitary authority as a result of a proposal from the local board.

(3) A local board agreement is not required to reflect the priorities and preferences in its local board plan in respect of the matters referred to in subsection (2) to the extent that 1 or more of the following apply:

(a) the local board determines that the priorities and preferences in the plan no longer reflect the priorities and preferences of the communities in the local board area; or

(b) the governing body determines that the indicative budget in the plan is, or has become, significantly inaccurate; or

(c) consistency with the plan would be contrary to any enactment.

(4) A local board agreement must not be inconsistent with the adopted strategies, plans, policies, and objectives of the governing body.

(5) For the purposes of subsection (2)(a), a local board agreement must, in respect of the local activities to be provided in the local board area in the year to which the agreement relates, include—

(a) a statement of the intended levels of service provision that specifies—

(i) any performance measures specified in a rule made under section 261B for each activity described in clause 2(2) of Schedule 10; and

(ii) the performance measures that the unitary authority considers will enable the public to assess the level of service for major aspects of an activity for which performance measures have not been specified as described in subparagraph (i); and

(iii) the performance target or targets set by the unitary authority for each performance measure; and

(iv) any intended changes to the level of service that was provided in the year before the year to which the agreement relates and the reasons for the change; and

(b) the funding impact statement in the form prescribed for inclusion in an annual plan under clause 20(2) of Schedule 10; and

(c) a statement of how any expenses in excess of the local board's estimated funding allocation under clause 21A(b) of Schedule 10 are to be met (including estimated revenue levels and the other sources of funding).

(6) Each local board must monitor the implementation of the local board agreement for its local board area.

Section 48O: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48P Consultation required on proposed content of local board agreement

(1) A unitary authority undertaking consultation on the proposed content of a long-term plan or an annual plan under this Act must undertake consultation on the proposed content of each local board agreement to be included in that long-term plan or annual plan in accordance with sections 93A to 93G, or section 95(2), as the case may require.

(2) Subsection (1) does not prevent the unitary authority undertaking other consultation that may be desirable in relation to the proposed content of a local board agreement."

Section 48P: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48Q Application of Schedule 7 to local boards and their members

(1) Part 1A of Schedule 7 applies to a local board and its members.

(2) Part 1 of Schedule 7 (excluding clauses 15 and 32AA to 36A) applies to a local board and its members, with any necessary modifications, as if the local board were a local authority and its members were members of the local authority.

Section 48Q: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Disputes between local boards and governing body

Heading: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48R Disputes about allocation of decision-making responsibilities or proposed bylaws

(1) Subsection (2) applies if—

(a) 1 or more local boards are dissatisfied with a decision of the governing body under section 48L(1); or

(b) a local board is dissatisfied with a decision of the governing body under section 150B(3)(b) or 150E(3)(b).

(2) The local board or boards concerned and the governing body must make reasonable efforts to reach a mutually acceptable and timely resolution of the dispute, having regard to—

(a) the requirements of this Act; and

(b) the current and future well-being of the communities of the district, and the interests and preferences of the communities within each affected local board area.

(3) If, after acting under subsection (2), the dispute is still unresolved, 1 or more local boards may apply, in writing, to the Commission for a binding determination on the matter.

(4) An application must be accompanied by copies of all reports, correspondence, and other information that are relevant to the matter and held by the local board or boards.

Section 48R: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

48S Local Government Commission to determine disputes

(1) Promptly after receiving an application under section 48R(3), the Local Government Commission must notify the mayor and the chief executive of the unitary authority of the application and request them to provide, within 7 days after receiving the notice, copies of all information held by the unitary authority that is relevant to the matter, including all reports and correspondence.

(2) After receiving the information from the mayor and the chief executive, the Commission must—

(a) consider the information it has received from them, and from the local board or boards concerned under section 48R(4); and

(b) determine the matter, having regard to—

(i) the requirements of this Act; and

(ii) the current and future well-being of the communities of the district, and the interests and preferences of the communities within each affected local board area; and

(iii) any other matter that the Commission considers on reasonable grounds to be relevant.

(3) For the purposes of making a determination, the Commission—

(a) must treat the matter as urgent; and

(b) may make any inquiries that it considers appropriate; and

(c) may (but is not obliged to) hold meetings with the local board or boards, the governing body, or any other person.

(4) The Commission may apportion the actual and reasonable costs incurred by it in making a determination between the local board or boards and the governing body as it thinks fit, having regard to the merits of the initial positions of the local board or boards and the governing body.

(5) Any costs apportioned to a local board under subsection (4) must be paid from the local board's budget.

(6) Subsection (7) applies if—

(a) the Commission is required to determine a matter that relates to the content of an adopted long-term plan; and

(b) the Commission determines that the long-term plan should be amended.

(7) The unitary authority must amend the long-term plan to the extent necessary to give effect to the determination and may do so without further authority than this section.

Section 48S: inserted, on 8 August 2014, by section 17 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Subpart 2—Community boards

49 Establishment of community boards

(1) A community board must be established for each community constituted, in accordance with Schedule 6, by—

(a) an Order in Council made under section 25; or

(b) a resolution made by the territorial authority within whose district the community will be situated as a result of a proposal by electors to establish a community; or

(c) a resolution made by the territorial authority within whose district the community will be situated as a result of the territorial authority's review of representation arrangements.

(2) The community board must be described as the "[*name of community*] Community Board".

Compare: 1974 No 66 s 101ZG

Section 49(1)(a): amended, on 5 December 2012, by section 24 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

50 Membership of community boards

The membership of a community board consists of—

(a) members elected under the Local Electoral Act 2001; and

(b) members (if any) of, and appointed in accordance with the Local Electoral Act 2001 by, the territorial authority in whose district the relevant community is situated.

51 Status of community boards

A community board—

(a) is an unincorporated body; and

(b) is not a local authority; and

(c) is not a committee of the relevant territorial authority.

Compare: 1974 No 66 s 101ZP

52 Role of community boards

The role of a community board is to—

(a) represent, and act as an advocate for, the interests of its community; and

(b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and

(c) maintain an overview of services provided by the territorial authority within the community; and

(d) prepare an annual submission to the territorial authority for expenditure within the community; and

(e) communicate with community organisations and special interest groups within the community; and

(f) undertake any other responsibilities that are delegated to it by the territorial authority.

Compare: 1974 No 66 s 101ZY

53 Powers of community boards

(1) A community board has the powers that are—

(a) delegated to it by the relevant territorial authority in accordance with clause 32 of Schedule 7; or

(b) prescribed by the Order in Council constituting its community.

(2) The powers of a community board prescribed by Order in Council expire at the close of 6 years after the order comes into force.

(3) Despite subsection (1), a community board may not—

(a) acquire, hold, or dispose of property; or

(b) appoint, suspend, or remove staff.

Compare: 1974 No 66 ss 101ZZ, 101ZZA

54 Application of other provisions to community boards

(1) Part 2 of Schedule 7 applies to community boards.

(2) Part 1 of Schedule 7 (excluding clauses 15 and 33 to 36) applies to community boards, with all necessary modifications, as if they were local authorities.

Subpart 3—Register of members' pecuniary interests

Subpart 3: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54A Register of members' pecuniary interests

(1) A local authority must keep a register of the pecuniary interests of—

(a) members of the local authority; and

(b) members who have been elected under the Local Electoral Act 2001 to a community board that is part of the local authority; and

(c) members who have been elected under the Local Electoral Act 2001 to a local board that is part of the local authority.

(1A) *[Repealed]*

(2) The register must comprise the pecuniary interest returns that—

(a) are made by members under section 54C; and

(b) contain all information in any pecuniary interest return that is required to be disclosed under sections 54E and 54F, and include any notifications made under section 54D of errors or omissions in those returns.

(3) The local authority must—

(a) make a summary of the information contained in the register publicly available; and

(b) ensure that information contained in the register—

(i) is only used or disclosed in accordance with the purpose of the register; and

(ii) is retained for 7 years after the date on which a member provides the information, and is then removed from the register.

Section 54A: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

Section 54A(1A): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

54B Purpose of register

The purpose of the register of members' pecuniary interests is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.

Section 54B: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54C Members to make pecuniary interest returns

(1) A member described in section 54A(1)(a), (b), or (c) must make a pecuniary interest return containing the information specified in sections 54E and 54F in respect of the 12-month period that ended on the day that is 1 month before each date specified for the return in subsection (2).

(2) The member must make the pecuniary interest return by the following dates:

(a) the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001:

(b) the last day of February in each subsequent year.

(3) The member must make the return by providing it to the Registrar.

Section 54C: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

Section 54C(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

54D Accuracy of information included in pecuniary interest return

(1) When making a pecuniary interest return under section 54C, a member must ensure that the information contained in the return is accurate.

(2) However, if a member becomes aware of an error or omission in any return that the member has made, the member must advise the Registrar of that error or omission as soon as practicable after becoming aware of it.

(3) When advised of an error or omission in a pecuniary interest return, the Registrar must correct the register of members' pecuniary interests accordingly.

Section 54D: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54E Contents of pecuniary interest return relating to member's position

(1) Every pecuniary interest return must contain the following information:

(a) the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies:

(b) the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities:

(c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers:

(d) the name of each trust in which the member has a beneficial interest:

(e) the name of any organisation or trust and a description of the main activities of that organisation or trust if—

(i) the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust (as applicable); and

(ii) the organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected:

(f) the title and description of any organisation in which the member holds an appointment by virtue of being an elected member:

(g) the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property:

(h) the location of real property, and a description of the nature of the real property, held by a trust to which the following apply:

(i) the member is a beneficiary of the trust; and

(ii) the member knows or ought reasonably to know that the member is a beneficiary of the trust; and

(iii) it is not a unit trust whose name is disclosed under subclause (1)(d); and

(iv) it is not a retirement scheme whose membership is open to the public.

(2) For the purposes of subsection (1)(b), a member does not have a pecuniary interest in a company or business entity (**entity A**) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.

(3) For the purposes of subsection (1)(e), a member is not required to disclose the name and a description of the main activities of an organisation that is a council-controlled organisation.

(4) For the purposes of subsection (1)(g) and (h), a member is not required to disclose the street address of the real property, but must provide the general location (for example, the suburb and city in which it is located).

(5) For the purposes of this section,—

business entity means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust

company has the same meaning as in section 2(1) of the Companies Act 1993, and includes—

(a) a body corporate that is incorporated outside of New Zealand:

(b) a society incorporated under the Industrial and Provident Societies Act 1908 or any former Industrial and Provident Societies Act

employed—

(a) means employed under a contract of service; but

(b) does not include holding—

(i) the position of an elected member of a local authority, local board, or community board (as applicable); or

(ii) any other position for which the person in question would not be qualified unless he or she had been elected a member of a local authority, local board, or community board (as applicable)

managed investment scheme has the same meaning as in section 9(1), (2), and (4) of the Financial Markets Conduct Act 2013.

Section 54E: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54F Contents of pecuniary interest return relating to member's activities

(1) Every pecuniary interest return must also contain the following information:

(a) for each country (other than New Zealand) that the member travelled to,—

(i) the name of the country; and

(ii) the purpose of travelling to the country; and

(iii) the name of each person who contributed (in whole or in part) to the costs of the travel to and from the country; and

(iv) the name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country:

(b) a description of each gift (including hospitality and donations in cash or kind but excluding any donation made to cover expenses in an electoral campaign) received by the member and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member) if—

(i) the gift has an estimated market value in New Zealand of more than $500; or

(ii) the combined estimated market value in New Zealand of all gifts from the donor is more than $500:

(c) a description of each payment received by the member for activities in which the member is involved other than—

(i) the salary or allowances paid to that person under the Remuneration Authority Act 1977 or this Act; and

(ii) any payment the member received from an interest required to be disclosed under section 54E; and

(iii) any payment made in respect of any activity the member ceased to be involved in before becoming a member.

(2) The information referred to in subsection (1)(a) does not have to be included in the pecuniary interest return if the travel costs and accommodation costs were paid in full by the following or any combination of the following:

(a) the member:

(b) a member of the member's family.

(3) The information referred to in subsection (1)(b) does not have to be included in the pecuniary interest return if the gift was from a member of the member's family unless the member, taking the purpose of the register into account (*see* section 54B), considers the information should be included.

(4) For the purposes of this section, **member of the member's family** means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.

Section 54F: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54G Registrar

(1) A local authority must appoint a Registrar to—

(a) compile and maintain the register of members' pecuniary interests; and

(b) provide advice and guidance to members in connection with their obligations under this subpart.

(2) The chief executive of a local authority may be the Registrar under subsection (1).

Section 54G: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54H Responsibility of members

(1) It is the responsibility of each member to ensure that they fulfil the obligations imposed on them under this subpart.

(2) A Registrar is not required to—

(a) notify any member of—

(i) that member's failure to make a pecuniary interest return by the due date; or

(ii) any error or omission in that member's pecuniary interest return; or

(b) obtain any pecuniary interest return for a member.

(3) To avoid doubt,—

(a) a member's obligations under this subpart are in addition to any obligations under, and do not affect the application of, the Local Authorities (Members' Interests) Act 1968; and

(b) a pecuniary interest that a member has declared under this subpart is not necessarily an interest for the purposes of the Local Authorities (Members' Interests) Act 1968.

Section 54H: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54I Definition of Registrar

In this subpart, **Registrar** means the Registrar appointed under section 54G.

Section 54I: inserted, on 20 November 2022, by section 4 of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

Part 5
Council-controlled organisations and council organisations

55 Outline of Part

This Part establishes—

(a) requirements for the governance and accountability of council-controlled organisations and council organisations; and

(b) procedures for the transfer of local authority undertakings to council-controlled organisations.

Establishment

56 Consultation required before council-controlled organisation established

(1) Before a local authority may establish or become a shareholder in a council-controlled organisation, the local authority must undertake consultation in accordance with section 82.

(2) The consultation required in subsection (1) may be undertaken as part of another proposal or as part of a long-term plan.

Section 56(1): replaced, on 8 August 2014, by section 18 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 56(2): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Directors

57 Appointment of directors

(1) A local authority must adopt a policy that sets out an objective and transparent process for—

(a) the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and

(b) the appointment of directors to a council organisation; and

(c) the remuneration of directors of a council organisation.

(2) A local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority, the skills, knowledge, or experience to—

(a) guide the organisation, given the nature and scope of its activities; and

(b) contribute to the achievement of the objectives of the organisation.

(3) When identifying the skills, knowledge, and experience required of directors of a council-controlled organisation, the local authority must consider whether knowledge of tikanga Māori may be relevant to the governance of that council-controlled organisation.

Section 57(3): inserted, on 22 October 2019, by section 21 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

58 Role of directors of council-controlled organisations

(1) The role of a director of a council-controlled organisation is to assist the organisation to meet its objectives and any other requirements in its statement of intent.

(2) This section does not limit or affect the other duties that a director of a council-controlled organisation has.

59 Principal objective of council-controlled organisation

(1) The principal objective of a council-controlled organisation is to—

(a) achieve the objectives of its shareholders, both commercial and non-commercial, as specified in the statement of intent; and

(b) be a good employer; and

(c) exhibit a sense of social and environmental responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so; and

(d) if the council-controlled organisation is a council-controlled trading organisation, conduct its affairs in accordance with sound business practice.

(2) In subsection (1)(b), **good employer** has the same meaning as in clause 36 of Schedule 7.

60 Decisions relating to operation of council-controlled organisations

All decisions relating to the operation of a council-controlled organisation must be made by, or under the authority of, the board of the organisation in accordance with—

(a) its statement of intent; and

(b) its constitution.

Compare: 1974 No 66 s 594R

60A Significant decisions of council-controlled organisations affecting land or water

Before a council-controlled organisation makes a decision that may significantly affect land or a body of water, it must take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

Section 60A: inserted, on 22 October 2019, by section 22 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

61 Activities undertaken on behalf of local authorities

Nothing in this Part restricts or limits the application of section 17A to any arrangement or agreement under which a council-controlled organisation undertakes any responsibility on behalf of a local authority, irrespective of whether the local authority is a shareholder of the council-controlled organisation.

Section 61: replaced, on 8 August 2014, by section 19 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

62 Prohibition on guarantees, etc

A local authority must not give any guarantee, indemnity, or security in respect of the performance of any obligation by a council-controlled trading organisation.

Compare: 1974 No 66 s 594ZP

63 Restriction on lending to council-controlled trading organisation

A local authority must not lend money, or provide any other financial accommodation, to a council-controlled trading organisation on terms and conditions that are more favourable to the council-controlled trading organisation than those that would apply if the local authority were (without charging any rate or rate revenue as security) borrowing the money or obtaining the financial accommodation.

Compare: 1974 No 66 s 594ZPA

Council-controlled organisation planning

Heading: replaced, on 22 October 2019, by section 23 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

64 Statements of intent for council-controlled organisations

(1) Every council-controlled organisation must prepare and adopt a statement of intent in accordance with Part 1 of Schedule 8.

(2) The purpose of a statement of intent is to—

(a) state publicly the activities and intentions of the council-controlled organisation for the year and the objectives to which those activities will contribute; and

(b) provide an opportunity for shareholders to influence the direction of the organisation; and

(c) provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.

(3) The statement of intent—

(a) must not be inconsistent with the constitution of the council-controlled organisation; and

(b) may include and apply to 2 or more related council-controlled organisations.

(4) Every statement of intent of a council-controlled organisation must comply with Part 2 of Schedule 8.

(5) Every statement of intent of a council-controlled trading organisation must comply with Part 3 of Schedule 8.

(6) Every statement of intent of a council-controlled organisation that is not a council-controlled trading organisation must comply with Part 4 of Schedule 8.

(7) All information that is included in a statement of intent under this section must be prepared in accordance with generally accepted accounting practice if that information is of a form or nature for which generally accepted accounting practice has developed standards.

(8) Despite this section, an organisation that becomes a council-controlled organisation not more than 6 months before the end of a financial year is not required to prepare a statement of intent for that financial year.

(9) Each shareholding local authority must publish the adopted statement of intent on an Internet site maintained by or on behalf of the local authority within 1 month of adopting it, and must maintain the statement on that site for a period of no less than 7 years.

(10) A failure by a council-controlled organisation to comply with any requirement of this section, or with any statement in the organisation's statement of intent, does not affect the validity or enforceability of any deed, agreement, right, or obligation entered into, obtained, or incurred by that organisation.

Section 64: replaced, on 22 October 2019, by section 23 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

64A Shareholders may require additional plans

(1) The shareholders of a council-controlled organisation may require the organisation to prepare and deliver additional plans, including—

(a) an asset management plan:

(b) a long-term plan:

(c) 1 or more thematic plans (for example, a climate change mitigation plan).

(2) A requirement to provide a plan must be notified to the council-controlled organisation in writing and must specify—

(a) the date by which the plan must be delivered to the shareholders; and

(b) the matters to be addressed in the plan; and

(c) the time period that the plan is to cover.

(3) A requirement to provide a plan may also specify a date or dates by which, or intervals at which, the organisation must report on its progress against the plan.

(4) The board of a council-controlled organisation must deliver plans, and reports against those plans, in accordance with the terms of the requirement.

Section 64A: inserted, on 22 October 2019, by section 23 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

64B Statement of expectations

(1) The shareholders in a council-controlled organisation may prepare a statement of expectations that—

(a) specifies how the organisation is to conduct its relationships with—

(i) shareholding local authorities; and

(ii) the communities of those local authorities, including any specified stakeholders within those communities; and

(iii) iwi, hapū, and other Māori organisations; and

(b) requires the organisation to act consistently with—

(i) the statutory obligations of the shareholding local authorities; and

(ii) the shareholders' obligations pursuant to agreements with third parties (including with iwi, hapū, or other Māori organisations).

(2) A statement of expectations may include other shareholder expectations, such as expectations in relation to community engagement and collaboration with shareholders and others in the delivery of services.

(3) A statement of expectations must be published on an Internet site maintained by or on behalf of each local authority that is a shareholder of the organisation.

Section 64B: inserted, on 22 October 2019, by section 23 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Monitoring and reporting

65 Performance monitoring

(1) A local authority that is a shareholder in a council organisation must regularly undertake performance monitoring of that organisation to evaluate its contribution to the achievement of—

(a) the local authority's objectives for the organisation; and

(b) (if applicable) the desired results, as set out in the organisation's statement of intent; and

(c) the overall aims and outcomes of the local authority.

(2) A local authority must, as soon as practicable after a statement of intent of a council-controlled organisation is delivered to it,—

(a) agree to the statement of intent; or

(b) if it does not agree, take all practicable steps under clause 6 of Schedule 8 to require the statement of intent to be modified.

Section 65(1)(b): amended, on 7 July 2004, by section 5(1) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 65(2): amended, on 7 July 2004, by section 5(2) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 65(2)(a): amended, on 7 July 2004, by section 5(3) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

66 Half-yearly or quarterly reports

(1) During each financial year, the board of a council-controlled organisation must report on the organisation's operations to—

(a) its shareholders; and

(b) in the case of an organisation that is indirectly controlled by 1 or more local authorities (for example, a subsidiary of a holding company owned by a local authority), to each local authority that indirectly controls the organisation.

(2) A half-yearly report must be delivered within 2 months after the end of the first half of each financial year.

(3) If the shareholders of the council-controlled organisation notify the organisation that they require quarterly reporting, quarterly reports must also be delivered within 2 months after the end of the first and third quarters of each financial year.

(4) Each report must include the information required to be included by the council-controlled organisation's statement of intent.

(5) Each local authority that receives a report under this section must publish the report on an Internet site maintained by or on behalf of the local authority within 1 month of receiving it and must maintain the report on that site for a period of no less than 7 years.

Compare: 1974 No 66 s 594Z

Section 66: replaced, on 22 October 2019, by section 24 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

67 Annual report

(1) Within 3 months after the end of each financial year, the board of a council-controlled organisation must—

(a) complete a report on the organisation's operations during that year; and

(b) deliver the report to its shareholders and, in the case of an organisation that is indirectly controlled by 1 or more local authorities (for example, a subsidiary of a holding company owned by a local authority), to each local authority that indirectly controls the organisation; and

(c) make the report available to the public.

(2) The report must include the information required to be included by—

(a) sections 68 and 69; and

(b) its statement of intent.

(3) *[Repealed]*

(3) If a council-controlled organisation has undertaken to obtain or has obtained compensation from its shareholders in respect of any activity, the undertaking or the amount of compensation obtained must be recorded in the annual report of the council-controlled organisation.

(4) Each local authority that receives an annual report under this section must publish the annual report on an Internet site maintained by or on behalf of the local authority within 1 month of receiving it, and must maintain the report on that site for a period of no less than 7 years.

(5) *[Repealed]*

(6) *[Repealed]*

Section 67(1): replaced, on 22 October 2019, by section 25(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 67(3): repealed, on 7 July 2004, by section 6 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 67(3): inserted, on 22 October 2019, by section 25(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 67(4): inserted, on 22 October 2019, by section 25(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 67(5) heading: repealed, on the close of 31 December 2022, by section 67(6).

Section 67(5): repealed, on the close of 31 December 2022, by section 67(6).

Section 67(6): repealed, on the close of 31 December 2022, by section 67(6).

67A Extension of time limit for 2019/20 financial year annual reports: COVID-19

[Repealed]

Section 67A: repealed, on 1 February 2021, by section 67A(2).

68 Content of reports on operations of council-controlled organisations

A report on the operations of a council-controlled organisation under section 67 must—

(a) contain the information that is necessary to enable an informed assessment of the operations of that organisation and its subsidiaries, including—

(i) a comparison of the performance of the organisation and its subsidiaries with the statement of intent; and

(ii) an explanation of any material variances between that performance and the statement of intent; and

(b) state the dividend, if any, authorised to be paid or the maximum dividend proposed to be paid by that organisation for its equity securities (other than fixed interest securities) for the financial year to which the report relates.

Compare: 1974 No 66 s 594Z

69 Financial statements and auditor's report

(1) A report on the operations of a council-controlled organisation under section 67 must include—

(a) audited consolidated financial statements for that financial year for that organisation and its subsidiaries; and

(b) an auditor's report on—

(i) those financial statements; and

(ii) the performance targets and other measures by which performance was judged in relation to that organisation's objectives.

(2) The audited financial statements under subsection (1)(a) must be prepared in accordance with generally accepted accounting practice.

Compare: 1974 No 66 s 594Z

70 Auditor-General is auditor of council-controlled organisations

Despite sections 207P to 207V of the Companies Act 1993, a council-controlled organisation or a subsidiary of a council-controlled organisation is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Compare: 1974 No 66 s 594ZC

Section 70: amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

71 Protection from disclosure of sensitive information

Nothing in this Act requires the inclusion in any statement of intent, annual report, financial statement, half-yearly report, or quarterly report required to be produced under this Act by a council-controlled organisation of any information that may be properly withheld if a request for that information were made under the Local Government Official Information and Meetings Act 1987.

Compare: 1974 No 66 s 594ZA

Section 71: amended, on 22 October 2019, by section 26 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

71A Application of Part to listed companies

(1) This section applies to a council-controlled organisation if the shares of any of the following are quoted on a licensed market (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013):

(a) the council-controlled organisation:

(b) a holding company of the council-controlled organisation:

(c) controlling companies of the council-controlled organisation.

(2) If subsection (1) applies, the council-controlled organisation is not required to—

(a) have a statement of intent under section 64:

(b) deliver a half-yearly report or quarterly report under section 66:

(c) deliver an annual report under section 67.

(3) In this section,—

controlling companies means 2 or more companies whose degree of control over a council-controlled organisation, if exercisable by one notional company, would make the notional company a holding company of the council-controlled organisation

holding company has the same meaning as in section 5 of the Companies Act 1993.

Section 71A: inserted, on 7 July 2004, by section 7 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 71A(1): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 71A(2)(b): amended, on 22 October 2019, by section 27 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

72 Application of Act to related companies

Sections 57 to 71 apply to a company as if it were a council-controlled organisation if the company is a related company (within the meaning of section 2(3) and (4) of the Companies Act 1993) of a council-controlled organisation.

Section 72: substituted, on 7 July 2004, by section 8 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Transfer of undertakings

73 Transfer of undertakings to council-controlled organisations

Schedule 9 applies to the transfer of an existing undertaking to a council-controlled organisation.

Application of Local Government Official Information and Meetings Act 1987 and Ombudsmen Act 1975 to council-controlled organisations

74 Official information

(1) Parts 1 to 6 of the Local Government Official Information and Meetings Act 1987 apply to a council-controlled organisation as if that organisation were a local authority.

(2) The Ombudsmen Act 1975 applies to a council-controlled organisation as if that organisation were listed in Part 3 of Schedule 1 of that Act.

Part 6
Planning, decision-making, and accountability

75 Outline of Part

This Part—

(a) sets out obligations of local authorities in relation to the making of decisions:

(b) states the obligations of local authorities in relation to the involvement of Māori in decision-making processes:

(c) states the obligations of local authorities in relation to consultation with interested and affected persons:

(d) sets out the nature and use of the special consultative procedure:

(e) *[Repealed]*

(f) prescribes the processes and general content of the long-term plan, the annual plan, and the annual report (all of which are prescribed in more detail in Schedule 10):

(g) prescribes the obligations of local authorities in relation to financial management:

(h) provides for borrowing by local authorities.

Section 75(e): repealed, on 27 November 2010, by section 8 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 75(f): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Subpart 1—Planning and decision-making

Significance and engagement policy

Heading: inserted, on 8 August 2014, by section 20 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

76AA Significance and engagement policy

(1) Every local authority must adopt a policy setting out—

(a) that local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and

(b) any criteria or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and

(c) how the local authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and

(d) how the local authority will engage with communities on other matters.

(2) The purpose of the policy is—

(a) to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and

(b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and

(c) to inform the local authority from the beginning of a decision-making process about—

(i) the extent of any public engagement that is expected before a particular decision is made; and

(ii) the form or type of engagement required.

(3) The policy adopted under subsection (1) must list the assets considered by the local authority to be strategic assets.

(4) A policy adopted under subsection (1) may be amended from time to time.

(5) When adopting or amending a policy under this section, the local authority must consult in accordance with section 82 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

(5A) *[Repealed]*

(6) To avoid doubt, section 80 applies when a local authority deviates from this policy.

Section 76AA: inserted, on 8 August 2014, by section 20 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 76AA(5A): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Decision-making

76 Decision-making

(1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.

(2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.

(3) A local authority—

(a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and

(b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.

(4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.

(5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.

(6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

77 Requirements in relation to decisions

(1) A local authority must, in the course of the decision-making process,—

(a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and

(b) assess the options in terms of their advantages and disadvantages; and

(c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.

(2) This section is subject to section 79.

Section 77(1)(b): replaced, on 8 August 2014, by section 21 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

78 Community views in relation to decisions

(1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

(2) *[Repealed]*

(3) A local authority is not required by this section alone to undertake any consultation process or procedure.

(4) This section is subject to section 79.

Section 78(2): repealed, on 27 November 2010, by section 9 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

79 Compliance with procedures in relation to decisions

(1) It is the responsibility of a local authority to make, in its discretion, judgments—

(a) about how to achieve compliance with sections 77 and 78 that is largely in proportion to the significance of the matters affected by the decision as determined in accordance with the policy under section 76AA; and

(b) about, in particular,—

(i) the extent to which different options are to be identified and assessed; and

(ii) the degree to which benefits and costs are to be quantified; and

(iii) the extent and detail of the information to be considered; and

(iv) the extent and nature of any written record to be kept of the manner in which it has complied with those sections.

(2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—

(a) the principles set out in section 14; and

(b) the extent of the local authority's resources; and

(c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.

(3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the Resource Management Act 1991).

(4) Subsection (3) is for the avoidance of doubt.

Section 79(1)(a): amended, on 8 August 2014, by section 22 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 79(3): added, on 7 July 2004, by section 9 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 79(3): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 79(4): added, on 7 July 2004, by section 9 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

80 Identification of inconsistent decisions

(1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

(a) the inconsistency; and

(b) the reasons for the inconsistency; and

(c) any intention of the local authority to amend the policy or plan to accommodate the decision.

(2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.

81 Contributions to decision-making processes by Māori

(1) A local authority must—

(a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and

(b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and

(c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

(2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—

(a) the role of the local authority, as set out in section 11; and

(b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Consultation

82 Principles of consultation

(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

(a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:

(b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:

(c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:

(d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:

(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:

(f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

(3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.

(4) A local authority must, in exercising its discretion under subsection (3), have regard to—

(a) the requirements of section 78; and

(b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and

(c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and

(d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and

(e) the costs and benefits of any consultation process or procedure.

(5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the

procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

Section 82(1)(f): replaced, on 8 August 2014, by section 23 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

82A Information requirements for consultation required under this Act

(1) This section applies if this Act requires a local authority to consult in accordance with, or using a process or a manner that gives effect to, the requirements of section 82.

(2) The local authority must, for the purposes of section 82(1)(a) and (c), make the following publicly available:

(a) the proposal and the reasons for the proposal; and

(b) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and

(c) if a plan or policy or similar document is proposed to be adopted, a draft of the proposed plan, policy, or other document; and

(d) if a plan or policy or similar document is proposed to be amended, details of the proposed changes to the plan, policy, or other document.

(3) In the case of consultation on an annual plan under section 95(2), instead of complying with subsection (2), the local authority must prepare and adopt a consultation document that complies with section 95A.

(4) Nothing in this section applies where the special consultative procedure under section 83 is required to be used.

(5) Nothing in this section limits the application of section 82.

Section 82A: inserted, on 8 August 2014, by section 24 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

83 Special consultative procedure

(1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—

(a) prepare and adopt—

(i) a statement of proposal; and

(ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and

(b) ensure that the following is publicly available:

(i) the statement of proposal; and

(ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and

(iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and

(c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and

(d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and

(e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—

(i) is given a reasonable opportunity to do so; and

(ii) is informed about how and when he or she may take up that opportunity.

(2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.

(3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

Section 83: replaced, on 8 August 2014, by section 25 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

83AA Summary of information

A summary of the information contained in a statement of proposal must—

(a) be a fair representation of the major matters in the statement of proposal; and

(b) be in a form determined by the local authority; and

(c) indicate where the statement of proposal is available; and

(d) state the period within which persons interested in the proposal may present their views to the local authority.

Section 83AA: inserted, on 8 August 2014, by section 25 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

83A Combined or concurrent consultation

(1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure in relation to any decision or matter, it may (but is not required to) carry out the consultation at the same time as, or combined with, any other special consultative procedure that it is required to carry out under this or any other enactment.

(2) This section—

(a) applies except to the extent that this Act or any other enactment expressly provides otherwise; and

(b) is for the avoidance of doubt.

Section 83A: inserted, on 7 July 2004, by section 10 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

83B Interpretation

[Repealed]

Section 83B: repealed, on the close of 30 September 2023, by section 83B(2).

83C Use of special consultative procedure during recovery from severe weather events

[Repealed]

Section 83C: repealed, on the close of 30 September 2023, by section 83C(4).

83B Use of special consultative procedure during outbreak of COVID-19

[Repealed]

Section 83B: repealed, on 1 October 2020, by section 83D.

83C Long-term plan commencing on 1 July 2021

[Repealed]

Section 83C: repealed, on 1 October 2020, by section 83D.

83D Repeal of sections 83B and 83C and this section

[Repealed]

Section 83D: repealed, on 1 October 2020, by section 83D.

84 Special consultative procedure in relation to long-term plan

[Repealed]

Section 84: repealed, on 8 August 2014, by section 26 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

85 Use of special consultative procedure in relation to annual plan

[Repealed]

Section 85: repealed, on 8 August 2014, by section 27 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

86 Use of special consultative procedure in relation to making, amending, or revoking bylaws

(1) This section applies if, in accordance with section 156(1)(a), the special consultative procedure is required to be used in relation to the making, amending, or revoking of a bylaw.

(2) The statement of proposal referred to in section 83(1)(a) must include,—

(a) as the case may be,—

(i) a draft of the bylaw as proposed to be made or amended; or

(ii) a statement that the bylaw is to be revoked; and

(b) the reasons for the proposal; and

(c) a report on any relevant determinations by the local authority under section 155.

Section 86: replaced, on 8 August 2014, by section 28 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

87 Other use of special consultative procedure

(1) This section applies in any case where—

(a) neither section 86 nor 93A applies but a local authority is required to use or adopt the special consultative procedure; or

(b) a local authority chooses to use the special consultative procedure.

(2) In any case to which this section applies, the statement of proposal referred to in section 83(1)(a) is,—

(a) if a plan or policy or similar document is proposed to be adopted, a draft of the proposed plan, policy, or document; and

(b) in any other case, a detailed statement of the proposal.

(3) A statement of proposal under subsection (2)(b) must include—

(a) a statement of the reasons for the proposal; and

(b) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and

(c) any other information that the local authority identifies as relevant.

Section 87(1)(a): amended, on 8 August 2014, by section 75 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

88 Use of special consultative procedure in relation to change of mode of delivery of significant activity

[Repealed]

Section 88: repealed, on 27 November 2010, by section 12 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

89 Summary of information

[Repealed]

Section 89: repealed, on 8 August 2014, by section 29 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

90 Policy on significance

[Repealed]

Section 90: repealed, on 8 August 2014, by section 29 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Community outcomes

[Repealed]

Heading: repealed, on 27 November 2010, by section 13 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

91 Process for identifying community outcomes

[Repealed]

Section 91: repealed, on 27 November 2010, by section 13 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

92 Obligation to report against community outcomes

[Repealed]

Section 92: repealed, on 27 November 2010, by section 13 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Planning

93 Long-term plan

(1) A local authority must, at all times, have a long-term plan under this section.

(2) A local authority must use the special consultative procedure in adopting a long-term plan.

(3) A long-term plan must be adopted before the commencement of the first year to which it relates, and continues in force until the close of the third consecutive year to which it relates.

(4) A local authority may amend a long-term plan at any time.

(5) A local authority must use the special consultative procedure in making any amendment to a long-term plan.

(6) The purpose of a long-term plan is to—

(a) describe the activities of the local authority; and

(b) describe the community outcomes of the local authority's district or region; and

(c) provide integrated decision-making and co-ordination of the resources of the local authority; and

(d) provide a long-term focus for the decisions and activities of the local authority; and

(e) provide a basis for accountability of the local authority to the community.

(f) *[Repealed]*

(7) A long-term plan adopted under this section must—

(a) cover a period of not less than 10 consecutive financial years; and

(b) include the information required by Part 1 of Schedule 10.

(8) A local authority must, in complying with the requirements of this Act in relation to the preparation and adoption of a long-term plan, act in such manner, and include in that plan such detail, as the local authority considers on reasonable grounds to be appropriate.

(9) A local authority must, in deciding what is appropriate for the purposes of subsection (8), have regard to—

(a) the provisions of sections 77, 78, 79, 80, 81, 82, 83, 84, 96, 97, and 101; and

(b) the significance of any matter; and

(c) the extent of the local authority's resources.

(10) A local authority must, within 1 month after the adoption of its long-term plan, make the plan publicly available.

Section 93 heading: amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(1): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(2): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(3): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(4): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(5): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(6): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(6)(e): amended, on 8 August 2014, by section 30(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 93(6)(f): repealed, on 8 August 2014, by section 30(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 93(7): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(8): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 93(9): amended, on 7 July 2004, by section 12 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 93(10): replaced, on 21 March 2019, by section 16 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

93A Use of special consultative procedure in relation to long-term plan

(1) Where the special consultative procedure is used in relation to the adoption or amendment of a long-term plan under section 93—

(a) for the purpose of section 83(1)(a), instead of a statement of proposal and a summary of the information contained in the statement of proposal, a consultation document must be prepared and adopted in accordance with sections 93B to 93G; and

(b) section 83 applies as if references to "the statement of proposal" or "the proposal" or a "summary" were references to the consultation document.

(2) To avoid doubt, a draft long-term plan must not be used as an alternative to the consultation document.

Section 93A: inserted, on 8 August 2014, by section 31 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

93B Purpose of consultation document for long-term plan

The purpose of the consultation document is to provide an effective basis for public participation in local authority decision-making processes relating to the content of a long-term plan by—

(a) providing a fair representation of the matters that are proposed for inclusion in the long-term plan, and presenting these in a way that—

(i) explains the overall objectives of the proposals, and how rates, debt, and levels of service might be affected; and

(ii) can be readily understood by interested or affected people; and

(b) identifying and explaining to the people of the district or region, significant and other important issues and choices facing the local authority and district or region, and the consequences of those choices; and

(c) informing discussions between the local authority and its communities about the matters in paragraphs (a) and (b).

Section 93B: inserted, on 8 August 2014, by section 31 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

93C Content of consultation document for adoption of long-term plan

(1) The content of the consultation document for the adoption of a long-term plan must be such as the local authority considers on reasonable grounds will achieve the purpose set out in section 93B.

(2) Without limiting subsection (1), the consultation document must describe—

(a) each issue that the local authority determines should be included having had regard to—

(i) the significance and engagement policy adopted under section 76AA; and

(ii) the importance of other matters to the district and its communities; and

(b) for each issue identified under paragraph (a),—

(i) the principal options for addressing the issue and the implications (including financial implications) of each of those options; and

(ii) the local authority's proposal, if any, for addressing the issue; and

(iii) the likely consequences of proceeding with the proposal on the local authority's rates, debt, and levels of service; and

(c) other matters of public interest relating to—

(i) the proposed content of the local authority's financial strategy (under section 101A) including, without limitation, the quantified limits on rate increases and borrowing in that strategy; and

(ii) the proposed content of the local authority's infrastructure strategy (under section 101B); and

(d) any significant changes that are proposed to the way the local authority funds its operating and capital expenditure requirements, including changes to the rating system described in clause 15(3) and (4) of Schedule 10; and

(e) using graphs or charts, the direction and scale of changes to the local authority's rates and debt levels that will result from the proposed content of the long-term plan; and

(f) using graphs or charts where practicable, the direction and nature of changes to the local authority's levels of service associated with the proposed content of the long-term plan; and

(g) the impact of proposals on the rates assessed on different categories of rateable land with a range of property values, by the provision of examples as provided for in clause 15(5) of Schedule 10.

(3) The consultation document—

(a) must be presented in as concise and simple a manner as is consistent with section 93B and this section; and

(b) without limiting paragraph (a), must not contain, or have attached to it,—

(i) a draft of the long-term plan, as proposed to be adopted; or

(ii) a full draft of any policy; or

(iii) a full draft of the local authority's financial strategy or infrastructure strategy; or

(iv) any detailed information, whether described in Part 1 of Schedule 10 or otherwise, that is not necessary or desirable for the purposes of subsections (1) and (2); and

(c) must state where members of the public may obtain information adopted by the local authority under section 93G, which may include, for example, providing links or references to the relevant documents on the local authority's Internet site; and

(d) may be given the title of the local authority's choice, provided that the title or subtitle make reference to this being a consultation document for the proposed long-term plan for the relevant years.

(4) The consultation document must contain a report from the Auditor-General on—

(a) whether the consultation document gives effect to the purpose set out in section 93B; and

(b) the quality of the information and assumptions underlying the information provided in the consultation document.

(5) The report under subsection (4) must not comment on the merits of any policy content of the consultation document.

Section 93C: inserted, on 8 August 2014, by section 31 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 93C(2)(c)(i): amended, on 21 March 2019, by section 17(1) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 93C(3)(c): amended, on 21 March 2019, by section 17(2) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

93D Content of consultation document for amendment of long-term plan

(1) The content of the consultation document for the amendment of a long-term plan must be such as the local authority considers on reasonable grounds will achieve the purpose set out in section 93B.

(2) Without limiting subsection (1), the consultation document for an amendment to the long-term plan must include—

(a) a description of the proposed amendment:

(b) the reasons for the proposed amendment:

(c) the implications (including financial implications) of the proposed amendment:

(d) any alternatives to the proposed amendment that the local authority may wish to discuss with its communities.

(3) The consultation document—

(a) may have attached to it a copy of the proposed amendment to the long-term plan, if the local authority considers that the full copy of that proposed amendment will assist people to understand the amendment; but

(b) in any other case, must state where a copy of the proposed amendment to the long-term plan may be obtained.

(4) The consultation document must contain a report from the Auditor-General on—

(a) whether the consultation document gives effect to the purpose set out in section 93B; and

(b) the quality of the information and assumptions underlying the information provided in the consultation document.

(5) The report under subsection (4) must not comment on the merits of any policy content of the consultation document.

Section 93D: inserted, on 8 August 2014, by section 31 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

93DA Amendments to long-term plan after severe weather events

[Repealed]

Section 93DA: repealed, on the close of 30 September 2023, by section 93DA(3).

93DA Amendments to long-term plan during outbreak of COVID-19

[Repealed]

Section 93DA: repealed, on 1 August 2020, by section 93DA(3).

93E Additional content of consultation document for adoption or amendment of long-term plan where section 97 applies to proposed decision

If a consultation document under section 93C or 93D relates to a proposal to provide for the making of a decision to which section 97 applies, that consultation document must include—

(a) the details of the proposed decision:

(b) the reasons for the proposed decision:

(c) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1):

(d) in respect of a proposal to transfer ownership or control of a strategic asset from the local authority to any other person,—

(i) a description of any accountability or monitoring arrangements to be used to assess the performance of that person and any other person in regard to the asset; and

(ii) an assessment of whether there are any conflicts of interest arising from the proposed transfer of the control or ownership of the asset, and, if so, what they are and how they will be managed.

Section 93E: inserted, on 8 August 2014, by section 31 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

93F Form and manner of presentation of consultation document

The local authority must ensure that the contents of the consultation document are presented in a form and manner that enables the consultation document to achieve its purpose.

Section 93F: inserted, on 8 August 2014, by section 31 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

93G Information to be adopted by local authority in relation to long-term plan and consultation document

Before adopting a consultation document under section 93A, the local authority must prepare and adopt the information that—

(a) is relied on by the content of the consultation document adopted under section 93A; and

(b) is necessary to enable the Auditor-General to give the reports required by sections 93C(4) and 93D(4); and

(c) provides the basis for the preparation or amendment of the long-term plan.

Section 93G: inserted, on 8 August 2014, by section 31 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

94 Audit of long-term plan

(1) The long-term plan must contain a report from the Auditor-General on—

(a) whether the plan gives effect to the purpose set out in section 93(6); and

(b) the quality of the information and assumptions underlying the forecast information provided in the plan.

(c) *[Repealed]*

(2) In the case of an amended long-term plan, the report under subsection (1) must contain a report by the Auditor-General confirming or amending the report made when the long-term plan was adopted.

(3) A report under subsection (1) must not comment on the merits of any policy content of the plan.

Section 94 heading: amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 94(1): amended, on 5 December 2012, by section 27(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 94(1): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 94(1)(a): replaced, on 8 August 2014, by section 32(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 94(1)(b): amended, on 27 November 2010, by section 14(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 94(1)(c): repealed, on 27 November 2010, by section 14(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 94(2): replaced, on 8 August 2014, by section 32(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 94(3): amended, on 8 August 2014, by section 32(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

94A Long-term plan amended during recovery from severe weather events

[Repealed]

Section 94A: repealed, on the close of 30 September 2023, by section 94A(5).

94A Long-term plan amended during outbreak of COVID-19

[Repealed]

Section 94A: repealed, on 1 August 2020, by section 94A(5).

95 Annual plan

(1) A local authority must prepare and adopt an annual plan for each financial year.

(2) Subject to subsection (2A), a local authority must consult in a manner that gives effect to the requirements of section 82 before adopting an annual plan under this section.

(2A) Subsection (2) does not apply if the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.

(3) An annual plan must be adopted before the commencement of the year to which it relates.

(4) Despite subsection (1), for the first year to which a long-term plan under section 93 relates, the financial statement and funding impact statement included in that long-term plan in relation to that year must be regarded as the annual plan adopted by the local authority for that year.

(5) The purpose of an annual plan is to—

(a) contain the proposed annual budget and funding impact statement for the year to which the annual plan relates; and

(b) identify any variation from the financial statements and funding impact statement included in the local authority's long-term plan in respect of the year; and

(c) provide integrated decision making and co-ordination of the resources of the local authority; and

(d) contribute to the accountability of the local authority to the community.

(e) *[Repealed]*

(6) Each annual plan adopted under this section must—

(a) be prepared in accordance with the principles and procedures that apply to the preparation of the financial statements and funding impact statement included in the long-term plan; and

(b) contain appropriate references to the long-term plan in which the local authority's activities for the financial year covered by the annual plan are set out; and

(c) include the information required by Part 2 of Schedule 10.

(6A) Except where subsection (5) requires otherwise, the local authority must comply with subsection (6)(b) and (c) by means of reference to, rather than duplication of, the long-term plan.

(7) A local authority must, within 1 month after the adoption of its annual plan, make the plan publicly available.

Compare: 1974 No 66 s 223D(1), (3)–(5), (7)–(8)

Section 95(2): replaced, on 8 August 2014, by section 33(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 95(2A): inserted, on 8 August 2014, by section 33(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 95(4): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 95(5)(b): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 95(5)(c): replaced, on 8 August 2014, by section 33(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 95(5)(d): amended, on 8 August 2014, by section 33(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 95(5)(e): repealed, on 8 August 2014, by section 33(4) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 95(6)(a): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 95(6)(b): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 95(6A): inserted, on 8 August 2014, by section 33(5) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 95(7): replaced, on 21 March 2019, by section 18 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

95AAA 2023/2024 annual plan due date

[Repealed]

Section 95AAA: repealed, on the close of 30 September 2023, by section 95AAA(3).

95A Purpose and content of consultation document for annual plan

(1) The purpose of the consultation document under section 82A(3) is to provide a basis for effective public participation in decision-making processes relating to the activities to be undertaken by the local authority in the coming year, and the effects of those activities on costs and funding, as proposed for inclusion in the annual plan, by—

(a) identifying significant or material differences between the proposed annual plan and the content of the long-term plan for the financial year to which the annual plan relates; and

(b) explaining the matters in paragraph (a) in a way that can be readily understood by interested or affected people; and

(c) informing discussions between the local authority and its communities about the matters in paragraph (a).

(2) The content of the consultation document must be such as the local authority considers on reasonable grounds will achieve the purpose set out in subsection (1), and must—

(a) explain identified differences, if any, between the proposed annual plan and what is described in the long-term plan in relation to the financial year to which the annual plan relates, including (but not limited to)—

(i) an explanation of any significant or material variations or departures from the financial statements or the funding impact statement; and

(ii) a description of significant new spending proposals, the costs associated with those proposals, and how these costs will be met; and

(iii) an explanation of any proposal to substantially delay, or not proceed with, a significant project, and the financial and service delivery implications of the proposal; and

(b) outline the expected consequences of proceeding with the matters referred to in paragraph (a), including the implications for the local authority's financial strategy.

(3) The consultation document—

(a) must be presented in as concise and simple a manner as is consistent with this section; and

(b) without limiting paragraph (a), must not contain, or have attached to it—

(i) a draft of the annual plan as proposed to be adopted; or

(ii) a full draft of any policy; or

(iii) any detailed information, whether described in Part 2 of Schedule 10 or otherwise, that is not necessary or desirable for the purposes of subsections (1) and (2); and

(c) must state where members of the public may obtain the information held by the local authority that is relied on by the content of the consultation document, including by providing links or references to the relevant information on the local authority's Internet site; and

(d) may be given the title of the local authority's choice, provided that the title or subtitle make reference to this being a consultation document for the proposed annual plan for the relevant year.

(4) The local authority must adopt the information that is relied on by the content of the consultation document, as referred to in subsection (3)(c), before it adopts the consultation document.

(5) For the purposes of this section, a difference, variation, or departure is material if it could, itself or in conjunction with other differences, influence the decisions or assessments of those reading or responding to the consultation document.

Section 95A: inserted, on 8 August 2014, by section 34 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 95A(3)(c): amended, on 21 March 2019, by section 19 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

95B Combined or concurrent consultation on long-term plan and annual plan

If a local authority carries out consultation in relation to an amendment to a long-term plan at the same time as, or combined with, consultation on an annual plan,—

(a) the content of consultation documents required under any of sections 93D, 93E, and 95A, as the case may be, for each consultation process must be combined into 1 consultation document; and

(b) the special consultative procedure must be used in relation to both matters.

Section 95B: inserted, on 8 August 2014, by section 34 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

96 Effect of resolution adopting long-term plan or annual plan

(1) The effect of a long-term plan and an annual plan adopted by a local authority is to provide a formal and public statement of the local authority's intentions in relation to the matters covered by the plan.

(2) A resolution to adopt a long-term plan or an annual plan does not constitute a decision to act on any specific matter included within the plan.

(3) Subject to section 80, and except as provided in section 97, a local authority may make decisions that are inconsistent with the contents of any long-term plan or annual plan.

(4) No person is entitled to require a local authority to implement the provisions of a long-term plan or an annual plan.

(5) This section applies subject to Part 4A of the Local Government (Rating) Act 2002.

Section 96 heading: amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 96(1): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 96(2): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 96(3): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 96(4): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 96(5): added, on 28 June 2006, by section 15(2) of the Local Government (Rating) Amendment Act 2006 (2006 No 28).

97 Certain decisions to be taken only if provided for in long-term plan

(1) This section applies to the following decisions of a local authority:

(a) a decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the local authority, including a decision to commence or cease any such activity:

(b) a decision to transfer the ownership or control of a strategic asset to or from the local authority.

(c) *[Repealed]*

(d) *[Repealed]*

(2) A local authority must not make a decision to which this section relates unless—

(a) the decision is explicitly provided for in its long-term plan; and

(b) the proposal to provide for the decision was included in a consultation document in accordance with section 93E.

(3) Nothing in this section applies to a decision of a local authority—

(a) to adopt a local authority-led reorganisation plan under clause 22A of Schedule 3 or clause 15 of Schedule 3A; or

(b) that is required in order to implement a reorganisation in accordance with an Order in Council under section 25 or 25A; or

(c) to fund a capital project by lump sum contributions, if the local authority has complied with section 117B(3)(c)(i) of the Local Government (Rating) Act 2002.

Section 97 heading: amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 97(1)(c): repealed, on 27 November 2010, by section 15 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 97(1)(d): repealed, on 27 November 2010, by section 15 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 97(2)(a): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 97(2)(a): amended, on 28 June 2006, by section 10 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 97(2)(b): amended, on 8 August 2014, by section 75 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 97(3): replaced, on 22 October 2019, by section 28 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 97(3)(a): amended, on 31 August 2023, by section 45 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Subpart 2—Reporting

98 Annual report

(1) A local authority must prepare and adopt in respect of each financial year an annual report containing in respect of that year the information required by Part 3 of Schedule 10.

(2) The purposes of an annual report are—

(a) to compare the actual activities and the actual performance of the local authority in the year with the intended activities and the intended level of performance as set out in respect of the year in the long-term plan and the annual plan; and

(b) to promote the local authority's accountability to the community for the decisions made throughout the year by the local authority.

(3) Each annual report must be completed and adopted, by resolution, within 4 months after the end of the financial year to which it relates.

(4) A local authority must, within 1 month after the adoption of its annual report, make publicly available—

(a) its annual report; and

(b) a summary of the information contained in its annual report.

(5) The summary must represent, fairly and consistently, the information regarding the major matters dealt with in the annual report.

(6) A local authority must, within 1 month after the adoption of its annual report, make the report and the summary prepared under subsection (4)(b) publicly available.

(7) *[Repealed]*

(8) *[Repealed]*

Compare: 1974 No 66 s 223E(1), (2), (14), (15)(c)

Section 98(2)(a): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 98(6): replaced, on 21 March 2019, by section 20 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 98(7) heading: repealed, on the close of 31 January 2023, by section 98(8).

Section 98(7): repealed, on the close of 31 January 2023, by section 98(8).

Section 98(8): repealed, on the close of 31 January 2023, by section 98(8).

98A Extension of time limit for 2019/20 financial year annual reports: COVID-19

[Repealed]

Section 98A: repealed, on 1 February 2021, by section 98A(2).

99 Audit of information in annual report and summary

(1) In addition to the information required by Part 3 of Schedule 10, the annual report must contain the Auditor-General's report on—

(a) the financial statements referred to in clause 29 of Schedule 10; and

(b) the statement about budgeted and actual capital expenditure referred to in clause 24 of Schedule 10; and

(c) the funding impact statement referred to in clause 30 of Schedule 10; and

(d) the local authority's compliance with the requirements of Schedule 10 that are applicable to the annual report.

(2) In addition to the information required by section 98(5), the summary required by section 98(4)(b) must contain the Auditor-General's report on whether the summary represents, fairly and consistently, the information regarding the major matters dealt with in the annual report.

Compare: 1974 No 66 s 223E(8)(a)

Section 99(1): substituted, on 27 November 2010, by section 16 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 99(1): amended, on 5 December 2012, by section 28 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 99(2): amended, on 5 December 2012, by section 28 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

99A Pre-election report

(1) The chief executive of a local authority must prepare a pre-election report containing the information required by clause 36 of Schedule 10.

(2) However, the chief executive of a local authority that has an ordinarily resident population of fewer than 20 000 people need not comply with clause 36(1)(a) and (2) of Schedule 10 for the financial year ending in the same year as the election.

(3) Instead of complying with clause 36(1)(a) and (2) of Schedule 10, the chief executive of the local authority referred to in subsection (2) may include in a pre-election report the information set out in clause 37 of Schedule 10.

(4) The purpose of a pre-election report is to provide information to promote public discussion about the issues facing the local authority.

(5) A pre-election report must be completed and published no later than the day that is 2 weeks before the nomination day for a triennial general election of members of a local authority under the Local Electoral Act 2001.

(6) A pre-election report must not contain a statement by, or a photograph of, an elected member of the local authority.

Section 99A: inserted, on 1 July 2011, by section 17 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Subpart 3—Financial management

100 Balanced budget requirement

(1) A local authority must ensure that each year's projected operating revenues are set at a level sufficient to meet that year's projected operating expenses.

(2) Despite subsection (1), a local authority may set projected operating revenues at a different level from that required by that subsection if the local authority resolves that it is financially prudent to do so, having regard to—

(a) the estimated expenses of achieving and maintaining the predicted levels of service provision set out in the long-term plan, including the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life; and

(b) the projected revenue available to fund the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life; and

(c) the equitable allocation of responsibility for funding the provision and maintenance of assets and facilities throughout their useful life; and

(d) the funding and financial policies adopted under section 102.

Section 100(2)(a): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

101 Financial management

(1) A local authority must manage its revenues, expenses, assets, liabilities, investments, and general financial dealings prudently and in a manner that promotes the current and future interests of the community.

(2) A local authority must make adequate and effective provision in its long-term plan and in its annual plan (where applicable) to meet the expenditure needs of the local authority identified in that long-term plan and annual plan.

(3) The funding needs of the local authority must be met from those sources that the local authority determines to be appropriate, following consideration of,—

(a) in relation to each activity to be funded,—

(i) the community outcomes to which the activity primarily contributes; and

(ii) the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals; and

(iii) the period in or over which those benefits are expected to occur; and

(iv) the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity; and

(v) the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities; and

(b) the overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental, and cultural well-being of the community.

Compare: 1974 No 66 s 122C(1)(a)–(c), (f)

Section 101(2): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 101(3)(b): replaced, on 14 May 2019, by section 8 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

101A Financial strategy

(1) A local authority must, as part of its long-term plan, prepare and adopt a financial strategy for all of the consecutive financial years covered by the long-term plan.

(2) The purpose of the financial strategy is to—

(a) facilitate prudent financial management by the local authority by providing a guide for the local authority to consider proposals for funding and expenditure against; and

(b) provide a context for consultation on the local authority's proposals for funding and expenditure by making transparent the overall effects of those proposals on the local authority's services, rates, debt, and investments.

(3) The financial strategy must—

(a) include a statement of the factors that are expected to have a significant impact on the local authority during the consecutive financial years covered by the strategy, including—

(i) the expected changes in population and the use of land in the district or region, and the capital and operating costs of providing for those changes; and

(ii) the expected capital expenditure on network infrastructure, flood protection, and flood control works that is required to maintain existing levels of service currently provided by the local authority; and

(iii) other significant factors affecting the local authority's ability to maintain existing levels of service and to meet additional demands for services; and

(b) include a statement of the local authority's—

(i) quantified limits on rate increases and borrowing; and

(ii) assessment of its ability to provide and maintain existing levels of service and to meet additional demands for services within those limits; and

(c) specify the local authority's policy on the giving of securities for its borrowing; and

(d) specify the local authority's objectives for holding and managing financial investments and equity securities and its quantified targets for returns on those investments and equity securities.

Section 101A: inserted, on 27 November 2010, by section 18 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 101A(2): replaced, on 8 August 2014, by section 35(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 101A(3): amended, on 8 August 2014, by section 35(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 101A(3)(b)(i): amended, on 21 March 2019, by section 21 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

101B Infrastructure strategy

(1) A local authority must, as part of its long-term plan, prepare and adopt an infrastructure strategy for a period of at least 30 consecutive financial years.

(2) The purpose of the infrastructure strategy is to—

(a) identify significant infrastructure issues for the local authority over the period covered by the strategy; and

(b) identify the principal options for managing those issues and the implications of those options.

(3) The infrastructure strategy must outline how the local authority intends to manage its infrastructure assets, taking into account the need to—

(a) renew or replace existing assets; and

(b) respond to growth or decline in the demand for services reliant on those assets; and

(c) allow for planned increases or decreases in levels of service provided through those assets; and

(d) maintain or improve public health and environmental outcomes or mitigate adverse effects on them; and

(e) provide for the resilience of infrastructure assets by identifying and managing risks relating to natural hazards and by making appropriate financial provision for those risks.

(4) The infrastructure strategy must outline the most likely scenario for the management of the local authority's infrastructure assets over the period of the strategy and, in that context, must—

(a) show indicative estimates of the projected capital and operating expenditure associated with the management of those assets—

(i) in each of the first 10 years covered by the strategy; and

(ii) in each subsequent period of 5 years covered by the strategy; and

(b) identify—

(i) the significant decisions about capital expenditure the local authority expects it will be required to make; and

(ii) when the local authority expects those decisions will be required; and

(iii) for each decision, the principal options the local authority expects to have to consider; and

(iv) the approximate scale or extent of the costs associated with each decision; and

(c) include the following assumptions on which the scenario is based:

(i) the assumptions of the local authority about the life cycle of significant infrastructure assets:

(ii) the assumptions of the local authority about growth or decline in the demand for relevant services:

(iii) the assumptions of the local authority about increases or decreases in relevant levels of service; and

(d) if assumptions referred to in paragraph (c) involve a high level of uncertainty,—

(i) identify the nature of that uncertainty; and

(ii) include an outline of the potential effects of that uncertainty.

(4A) *[Repealed]*

(5) A local authority may meet the requirements of section 101A and this section by adopting a single financial and infrastructure strategy document as part of its long-term plan.

(6) In this section, **infrastructure assets** includes—

(a) existing or proposed assets to be used to provide services by or on behalf of the local authority in relation to the following groups of activities:

(i) water supply:

(ii) sewerage and the treatment and disposal of sewage:

(iii) stormwater drainage:

(iv) flood protection and control works:

(v) the provision of roads and footpaths; and

(b) any other assets that the local authority, in its discretion, wishes to include in the strategy.

Section 101B: inserted, on 8 August 2014, by section 36 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 101B(4A): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

102 Funding and financial policies

(1) A local authority must, in order to provide predictability and certainty about sources and levels of funding, adopt the funding and financial policies listed in subsection (2).

(2) The policies are—

(a) a revenue and financing policy; and

(b) a liability management policy; and

(c) an investment policy; and

(d) a policy on development contributions or financial contributions; and

(e) a policy on the remission and postponement of rates on Māori freehold land; and

(f) in the case of a unitary authority for a district that includes 1 or more local board areas, a local boards funding policy.

(3) A local authority may adopt either or both of the following policies:

(a) a rates remission policy:

(b) a rates postponement policy.

(3A) The following policies must also support the principles set out in the Preamble to Te Ture Whenua Maori Act 1993:

(a) the revenue and financing policy, the policy on development contributions or financial contributions, and the policy on the remission and postponement of rates on Māori freehold land adopted under subsection (1):

(b) any rates remission policy or rates postponement policy adopted under subsection (3).

(4) A local authority—

(a) must consult on a draft policy in a manner that gives effect to the requirements of section 82 before adopting a policy under this section:

(b) may amend a policy adopted under this section at any time after consulting on the proposed amendments in a manner that gives effect to the requirements of section 82.

(5) However, subsection (4) does not apply to—

(a) a liability management policy:

(b) an investment policy.

Section 102: substituted, on 27 November 2010, by section 19 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 102(2)(d): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 102(2)(e): amended, on 8 August 2014, by section 37(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 102(2)(f): inserted, on 8 August 2014, by section 37(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 102(3A): inserted, on 1 July 2021, by section 77 of the Local Government (Rating of Whenua Māori) Amendment Act 2021 (2021 No 12).

Section 102(3A)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 102(4): replaced, on 8 August 2014, by section 37(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

103 Revenue and financing policy

(1) A policy adopted under section 102(1) must state—

(a) the local authority's policies in respect of the funding of operating expenses from the sources listed in subsection (2); and

(b) the local authority's policies in respect of the funding of capital expenditure from the sources listed in subsection (2).

(2) The sources referred to in subsection (1) are as follows:

(a) general rates, including—

(i) choice of valuation system; and

(ii) differential rating; and

(iii) uniform annual general charges:

(b) targeted rates:

(ba) lump sum contributions:

(c) fees and charges:

(d) interest and dividends from investments:

(e) borrowing:

(f) proceeds from asset sales:

(g) development contributions:

(h) financial contributions under the Resource Management Act 1991:

(i) grants and subsidies:

(ia) *[Repealed]*

(j) any other source.

(3) A policy adopted under section 102(1) must also show how the local authority has, in relation to the sources of funding identified in the policy, complied with section 101(3).

(4) If a local authority amends its revenue and financing policy under section 93(4), only a significant amendment to the policy is required to be audited in accordance with sections 93D(4) and 94.

Compare: 1974 No 66 s 122O

Section 103(1): amended, on 27 November 2010, by section 20(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 103(2)(ba): inserted, on 28 June 2006, by section 15(4) of the Local Government (Rating) Amendment Act 2006 (2006 No 28).

Section 103(2)(h): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 103(2)(ia): repealed, on 1 July 2024, by section 10 of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

Section 103(3): amended, on 27 November 2010, by section 20(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 103(4): added, on 27 November 2010, by section 20(3) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 103(4): amended, on 8 August 2014, by section 75 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

104 Liability management policy

A policy adopted under section 102(1) must state the local authority's policies in respect of the management of both borrowing and other liabilities, including—

(a) interest rate exposure; and

(b) liquidity; and

(c) credit exposure; and

(d) debt repayment.

(e) *[Repealed]*

(f) *[Repealed]*

Compare: 1974 No 66 s 122S

Section 104: amended, on 27 November 2010, by section 21(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 104(d): amended, on 27 November 2010, by section 21(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 104(e): repealed, on 27 November 2010, by section 21(3) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 104(f): repealed, on 27 November 2010, by section 21(3) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

105 Investment policy

A policy adopted under section 102(1) must state the local authority's policies in respect of investments, including—

(a) *[Repealed]*

(b) the mix of investments; and

(c) the acquisition of new investments; and

(d) an outline of the procedures by which investments are managed and reported on to the local authority; and

(e) an outline of how risks associated with investments are assessed and managed.

Compare: 1974 No 66 s 122Q

Section 105: amended, on 27 November 2010, by section 22(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 105(a): repealed, on 27 November 2010, by section 22(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

106 Policy on development contributions or financial contributions

(1) In this section, **financial contributions** has the meaning given to it by section 108(9) of the Resource Management Act 1991.

(2) A policy adopted under section 102(1) must, in relation to the purposes for which development contributions or financial contributions may be required,—

(a) summarise and explain the total cost of capital expenditure identified in the long-term plan, or identified under clause 1(2) of Schedule 13 that the local authority expects to incur to meet the increased demand for community facilities resulting from growth; and

(b) state the proportion of that total cost of capital expenditure that will be funded by—

(i) development contributions:

(ii) financial contributions:

(iii) other sources of funding; and

(c) explain, in terms of the matters required to be considered under section 101(3), why the local authority has determined to use these funding sources to meet the expected total cost of capital expenditure referred to in paragraph (a); and

(d) identify separately each activity or group of activities for which a development contribution or a financial contribution will be required and, in

relation to each activity or group of activities, specify the total amount of funding to be sought by development contributions or financial contributions; and

(e) if development contributions will be required, comply with the requirements set out in sections 201 to 202A; and

(f) if financial contributions will be required, summarise the provisions that relate to financial contributions in the district plan or regional plan prepared under the Resource Management Act 1991.

(2A) This section does not prevent a local authority from calculating development contributions over the capacity life of assets or groups of assets for which development contributions are required, so long as—

(a) the assets that have a capacity life extending beyond the period covered by the territorial authority's long-term plan are identified in the development contributions policy; and

(b) development contributions per unit of demand do not exceed the maximum amount allowed by section 203.

(2B) Subject to subsection (2C), a development contribution provided for in a development contributions policy may be increased under the authority of this subsection without consultation, formality, or a review of the development contributions policy.

(2C) A development contribution may be increased under subsection (2B) only if—

(a) the increase does not exceed the result of multiplying together—

(i) the rate of increase (if any), in the PPI since the development contribution was last set or increased; and

(ii) the proportion of the total costs of capital expenditure to which the development contribution will be applied that does not relate to interest and other financing costs; and

(b) before any increase takes effect, the territorial authority makes publicly available information setting out—

(i) the amount of the newly adjusted development contribution; and

(ii) how the increase complies with the requirements of paragraph (a).

(3) If development contributions are required, the local authority must keep available for public inspection the full methodology that demonstrates how the calculations for those contributions were made.

(4) If financial contributions are required, the local authority must keep available for public inspection the provisions of the district plan or regional plan prepared under the Resource Management Act 1991 that relate to financial contributions.

(5) The places within its district or region at which the local authority must keep the information specified in subsections (3) and (4) available for public inspection are—

(a) the principal public office of the local authority; and

(b) such other places within its district or region as the local authority considers necessary in order to provide members of the public with reasonable access to the methodology, provisions, or plan.

(6) A policy adopted under section 102(1) must be reviewed at least once every 3 years using a consultation process that gives effect to the requirements of section 82.

(7) In this section,—

capital expenditure includes any funding provided by a responsible levy authority to contribute to the construction costs of eligible infrastructure that has been, or is intended to be, transferred to the authority under section 90 of the Infrastructure Funding and Financing Act 2020

PPI means the Producers Price Index Outputs for Construction provided by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

Section 106 heading: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 106(1): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 106(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 106(2): amended, on 27 November 2010, by section 23(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 106(2)(a): amended, on 8 August 2014, by section 38(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2)(a): amended, on 8 August 2014, by section 38(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2)(a): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 106(2)(b): amended, on 8 August 2014, by section 38(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2)(b)(ii): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 106(2)(c): amended, on 8 August 2014, by section 38(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2)(d): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 106(2)(e): amended, on 8 August 2014, by section 38(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2)(f): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 106(2A): inserted, on 8 August 2014, by section 38(4) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2B): inserted, on 8 August 2014, by section 38(4) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2C): inserted, on 8 August 2014, by section 38(4) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(2C)(a)(i): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 106(4): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 106(6): replaced, on 8 August 2014, by section 38(5) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 106(7): replaced, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

107 Policy on partnerships with private sector

[Repealed]

Section 107: repealed, on 27 November 2010, by section 24 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

108 Policy on remission and postponement of rates on Māori freehold land

(1) If a policy adopted under section 102(1) provides for the remission of rates on Māori freehold land, the policy must state—

(a) the objectives sought to be achieved by the remission of rates; and

(b) the conditions and criteria to be met in order for rates to be remitted.

(2) If a policy adopted under section 102(1) provides for the postponement of the requirement to pay rates on Māori freehold land, the policy must state—

(a) the objectives sought to be achieved by a postponement of the requirement to pay rates; and

(b) the conditions and criteria to be met in order for the requirement to pay rates to be postponed.

(3) For the avoidance of doubt, a policy adopted under section 102(1) is not required to provide for the remission of, or postponement of the requirement to pay, rates on Māori freehold land.

(4) In determining a policy under section 102(1), the local authority must consider the matters set out in Schedule 11.

(4A) A policy adopted under section 102(1) must be reviewed at least once every 6 years using a consultation process that gives effect to the requirements of section 82.

(5) For the purposes of this section, the term **rates** includes penalties payable on unpaid rates.

Section 108(1): amended, on 27 November 2010, by section 25(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 108(2): amended, on 27 November 2010, by section 25(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 108(3): amended, on 27 November 2010, by section 25(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 108(4): amended, on 27 November 2010, by section 25(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 108(4A): replaced, on 8 August 2014, by section 39 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

109 Rates remission policy

(1) A policy adopted under section 102(3)(a) must state—

(a) the objectives sought to be achieved by the remission of rates; and

(b) the conditions and criteria to be met in order for rates to be remitted.

(2) In determining a policy under section 102(3)(a), the local authority may consider the matters set out in Schedule 11.

(2A) If a policy is adopted under section 102(3)(a), the policy—

(a) must be reviewed at least once every 6 years using a consultation process that gives effect to the requirements of section 82; and

(b) may be revoked following the review under paragraph (a).

(3) For the purposes of this section, the term **rates** includes penalties payable on unpaid rates.

Section 109(1): amended, on 27 November 2010, by section 26(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 109(2): amended, on 27 November 2010, by section 26(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 109(2A): inserted, on 27 November 2010, by section 26(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 109(2A)(a): replaced, on 8 August 2014, by section 40 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

110 Rates postponement policy

(1) A policy adopted under section 102(3)(b) must state—

(a) the objectives sought to be achieved by a postponement of the requirement to pay rates; and

(b) the conditions and criteria to be met in order for the requirement to pay rates to be postponed.

(2) In determining a policy under section 102(3)(b), the local authority may consider the matters set out in Schedule 11.

(2A) If a policy is adopted under section 102(3)(b), the policy—

(a) must be reviewed at least once every 6 years using a consultation process that gives effect to the requirements of section 82; and

(b) may be revoked following the review under paragraph (a).

(3) For the purposes of this section, the term **rates** includes penalties payable on unpaid rates.

Section 110(1): amended, on 27 November 2010, by section 27(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 110(2): amended, on 27 November 2010, by section 27(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 110(2A): inserted, on 27 November 2010, by section 27(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 110(2A)(a): replaced, on 8 August 2014, by section 41 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

111 Information to be prepared in accordance with generally accepted accounting practice

(1) All information that is required by any provision of this Part or of Schedule 10 to be included in any plan, report, or other document must be prepared in accordance with generally accepted accounting practice if that information is of a form or nature for which generally accepted accounting practice has developed standards.

(2) Subsection (1) does not apply to the preparation of a funding impact statement.

Section 111(2): added, on 27 November 2010, by section 28 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Subpart 4—Borrowing and security

112 Interpretation

In this subpart, unless the context otherwise requires,—

asset of a local authority, in relation to a charge or to charging, includes any revenue, rate, or other right or entitlement of the local authority capable of being subjected to a charge

borrowing—

(a) means the incurring by any means of debt to raise money; and

(b) includes the incurring of debt—

(i) under any contract or arrangement for hire purchase, deferred payment, instalment payment, sale and lease back or buy back, financial lease, loan, overdraft, or other arrangement for obtaining debt finance; or

(ii) by the drawing, acceptance, making, endorsement, issue, or sale of bills of exchange, promissory notes, and other negotiable instruments and debt securities; or

(iii) by the use, for any purpose, of funds received or invested by the local authority for any other purpose if the local authority has resolved to repay, with or without interest, the funds used; but

(c) does not include debt incurred in connection with the hire purchase of goods, the deferred purchase of goods or services, or the giving of credit for the purchase of goods or services if—

(i) the period for which the indebtedness is outstanding is less than 91 days and the indebtedness is not incurred again promptly after payment; or

(ii) the goods or services are obtained in the ordinary course of the local authority's performance of its lawful responsibilities, on terms and conditions available generally to parties of equivalent credit worthiness, for amounts not exceeding in aggregate an amount—

(A) determined by resolution of the local authority as not being so significant as to require specific authorisation; or

(B) recorded for the purposes of this subparagraph in the then current borrowing management policy of the local authority—

and **borrow** has a corresponding meaning

charge includes a mortgage, a floating charge, and any other non-possessory security interest deliberately created by the local authority concerned

incidental arrangement means—

(a) a contract or arrangement for the management, reduction, sharing, limiting, assumption, offset, or hedging of financial risks and liabilities in relation to any investment or investments or any loan or loans or other incidental arrangement, whether or not that contract or arrangement involves—

(i) the expenditure, borrowing, or lending of money; or

(ii) the local authority undertaking to make payments in exchange for another person undertaking to make payments to the local authority; or

(iii) the creation or acquisition or disposal of any property or right; or

(b) a contract or arrangement with any bank, financial institution, or other person providing for any person to act as underwriter, broker, indemnifier, guarantor, accommodation party, manager, dealer, trustee, registrar,

or paying, fiscal, or other agent for, or in connection with, any loan or investment—

and includes the creation of a charge

loan includes the amounts raised or indebtedness incurred, as the context may require, as a result of borrowing

protected transaction means—

(a) any deed, agreement, right, or obligation constituting, relating to, or for the purpose of, any borrowing or incidental arrangement; and

(b) includes—

(i) any charge, guarantee, or security for the payment of any amount (including any loan) payable in relation to, or for the purpose of, any borrowing or incidental arrangement; and

(ii) any conveyance or transfer of any property in relation to, or for the purpose of, any borrowing or incidental arrangement.

Compare: 1974 No 66 ss 122Z, 122ZB, 122ZG(1)

Borrowing

113 Prohibition on borrowing in foreign currency

(1) No local authority may borrow or enter into incidental arrangements, within or outside New Zealand, in currency other than New Zealand currency.

(2) Subsection (1) does not apply to an incidental arrangement in relation to an investment in currency other than New Zealand currency.

Compare: 1974 No 66 s 122ZC

Section 113(2): added, on 28 June 2006, by section 12 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

114 Constraints on receiver

Every charge given by a local authority over any 1 or more of the assets of the local authority as security for any loan, or the performance of obligations under any incidental arrangement, is subject to subsections (5) and (6) of section 40D of the Receiverships Act 1993.

Compare: 1974 No 66 s 122ZE(1), (4), (5)

115 Rates as security

(1) This section applies if—

(a) a local authority has charged a rate or rates revenue as security for any loan or the performance of any obligations under an incidental arrangement; and

(b) a receiver has been appointed under section 40A or section 40B of the Receiverships Act 1993 in respect of that loan or arrangement.

(2) The receiver may, without further authority than this section, assess and collect in each financial year a rate under this section to recover sufficient funds to meet—

(a) the payment of the local authority's commitments in respect of the loan or incidental arrangement during that year; and

(b) the reasonable costs of administering, assessing, and collecting the rate.

(3) A rate under this section must be assessed as a uniform rate in the dollar on the rateable value of property—

(a) in the district; or

(b) if the local authority resolved, at the time when the loan was being raised or the incidental arrangement was being entered into, that it was for the benefit of only a specified part of the district or region, that part.

(4) For the purposes of this section, **rateable value**, in relation to any property, means its rateable value under the valuation system used by the local authority for its general rate.

(5) A rate under this section may not be assessed and collected on rateable property in respect of which an election under section 65 or section 77 of the Rating Powers Act 1988 has been exercised in respect of any repayment loan or the works for which any loan was borrowed.

Compare: 1974 No 66 ss 122ZE(2), (3), 122ZF

116 Register of charges maintained by local authority

(1) A local authority that has any charge over any of its assets must establish and maintain at its principal office a register of, and keep copies of, all instruments specifically affecting any of its property.

(2) The register referred to in subsection (1) must be available for inspection during ordinary office hours.

(3) No fee is payable for inspection of the register.

(4) A local authority may charge for supplying any person with copies of, or any particulars from, the register.

Compare: 1974 No 66 s 122ZJ

Protected transactions

117 Protected transactions

Every protected transaction entered into, or purportedly entered into, by or on behalf of a local authority is valid and enforceable despite—

(a) the local authority failing to comply with any provision of this Act in any respect; or

(b) the entry into, or performance of, the protected transaction being outside the capacity, rights, or powers of the local authority; or

(c) a person held out by the local authority as being a member, employee, agent, or attorney of the local authority—

(i) not having been validly appointed as such; or

(ii) not having the authority to exercise any power or to do anything either which the person is held out as having or which a person appointed to such a position would customarily have; or

(d) a document issued, or purporting to be issued, on behalf of the local authority by a person with actual or customary authority, or held out as having such authority, to issue the document not being valid or not being genuine.

Compare: 1974 No 66 s 122ZG(2)

118 Certificate of compliance

A certificate signed, or purporting to be signed, by the chief executive of a local authority to the effect that the local authority has complied with this Act in connection with a protected transaction is conclusive proof for all purposes that the local authority has so complied.

Compare: 1974 No 66 s 122ZG(3)

119 Good faith in relation to protected transactions

(1) Sections 117 and 118 apply even though a person of the kind referred to in section 117(c) or section 117(d) or section 118 acts fraudulently or forges a document that appears to have been signed on behalf of the local authority, unless the person dealing with the local authority or a person who had acquired property, rights, or interests from the local authority acts in bad faith.

(2) A person may not rely on section 117 or section 118 in relation to a protected transaction if that person—

(a) has dealt in bad faith with a local authority in relation to the protected transaction; or

(b) had actual knowledge before the protected transaction was entered into that it was in breach of section 113.

(3) For the purpose of subsections (1) and (2),—

(a) a person is not regarded as acting in bad faith by reason only of the fact that, in relation to any protected transaction, the person knew or ought to have known of the existence of any of the states of affairs referred to in paragraphs (a) to (d) of section 117; and

(b) a person must be presumed to have acted in good faith unless the contrary is proved.

Compare: 1974 No 66 s 122ZG(4)–(6)

120 Saving provision in respect of power of court

Nothing in sections 117 to 119 affects the ability of any person to obtain any remedy from a court that has the effect of preventing or restraining temporarily or permanently a local authority from doing any act or thing in the future (other than an act or thing necessary for the performance of a protected transaction that has already been entered into).

Miscellaneous provisions

121 The Crown not liable for debts

(1) The Crown is not liable to contribute to the payment of any debts or liabilities of any local authority.

(2) Subsection (1) does not apply in relation to liability for any sum of a kind described in section 49 of the Public Finance Act 1989.

Compare: 1974 No 66 s 122ZP(1)

Section 121(2): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

122 Disclosure document and loan documents to contain statement that the Crown does not guarantee financial products or loan

(1) If a local authority is named as the issuer, or is otherwise named with its consent, in a disclosure document, that disclosure document must, unless the financial products being offered under the disclosure document are expressly guaranteed by the Crown under the Public Finance Act 1989, contain a statement that the financial products being offered under the disclosure document are not guaranteed by the Crown.

(2) In subsection (1), **disclosure document** means a product disclosure statement (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013) or a disclosure document under clause 26 of Schedule 1 of that Act.

(3) If a local authority enters into any loan agreement or incidental arrangement, that agreement or arrangement must include a statement that the loan or other liability under the incidental arrangement is not guaranteed by the Crown.

(4) Subsection (3) does not apply in relation to liability for any sum of a kind described in section 49 of the Public Finance Act 1989.

Section 122: replaced, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Part 7
Specific obligations and restrictions on local authorities and other persons

123 Outline of Part

This Part contains provisions that set out specific obligations and restrictions on local authorities and other persons as follows:

(a) the obligation to assess water and sanitary services and the purpose of those assessments:

(b) the obligations and restrictions on local authorities and other persons in relation to the delivery of water services:

(c) specific restrictions on disposal of parks, reserves, and endowment properties, including provision for the protection of parks and reserves from disposal:

(d) a requirement that, if a public library is provided, the residents of the district must be entitled to free membership.

Section 123(a): amended, on 8 August 2014, by section 42 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Subpart 1—Specific obligations to make assessments of drinking water, wastewater, and sanitary services and to ensure communities have access to safe drinking water

Subpart 1: replaced, on 15 November 2021, by section 208 of the Water Services Act 2021 (2021 No 36).

124 Interpretation

In this Part,—

assessment,—

(a) in relation to drinking water,—

(i) means an assessment of drinking water services available to communities in the district of the territorial authority, including private and community-owned or community-operated drinking water supplies; but

(ii) does not include assessments in relation to domestic self-suppliers; and

(b) in relation to wastewater and other sanitary services,—

(i) means an assessment of wastewater services and other sanitary services available to communities in the district of the territorial authority; but

(ii) does not include assessments in relation to individual properties

domestic self-supplier has the meaning given in section 10 of the Water Services Act 2021

drinking water has the meaning given in section 6 of the Water Services Act 2021

drinking water services means the supply of drinking water to communities to the point of supply of each dwelling house and commercial premise to which drinking water is supplied

local government organisation means a local authority, council-controlled organisation, or subsidiary of a council-controlled organisation, that provides water services

point of supply has the meaning given in section 13 of the Water Services Act 2021

sanitary services has the same meaning as sanitary works in section 25(1)(a), (b), (d), (h), and (i) of the Health Act 1956

sufficient quantity, in relation to the drinking water supplied to a point of supply, has the meaning given in section 25 of the Water Services Act 2021

Taumata Arowai means Taumata Arowai–the Water Services Regulator established under section 8 of the Taumata Arowai–the Water Services Regulator Act 2020

wastewater services means sewerage, treatment and disposal of sewage, and stormwater drainage.

Section 124: replaced, on 15 November 2021, by section 208 of the Water Services Act 2021 (2021 No 36).

125 Requirement to assess drinking water services

(1) A territorial authority must inform itself about the access that each community in its district has to drinking water services by undertaking an assessment of drinking water services in accordance with this section.

(2) An assessment of drinking water services must—

(a) identify each community that receives a drinking water service; and

(b) describe the nature of existing drinking water services to the community; and

(c) describe the characteristics of the community; and

(d) assess the extent to which the community is currently receiving, and will continue to receive, a sufficient quantity of drinking water, including a consideration of—

(i) the community's existing access to drinking water services; and

(ii) any reasonably foreseeable risks to the community's access to drinking water services in the future; and

(iii) the current and estimated future demands for drinking water services within the community; and

(e) describe the safety and quality of drinking water currently being supplied to the community, using information collected and made available by Taumata Arowai and any other organisations that the territorial authority considers relevant; and

(f) identify and assess any other public health risks relating to the drinking water services supplied to the community; and

(g) include an assessment of wastewater and sanitary services in accordance with section 128; and

(h) based on the assessment under paragraphs (b) to (g),—

(i) assess the consequences if the community loses access to drinking water services in the future, or is provided with drinking water services that are deficient in any way, including the implications for that community's public health; and

(ii) outline a plan to provide for the community's ongoing access to drinking water services.

(3) A territorial authority must conduct an assessment of drinking water services under subsection (2)—

(a) at least once every 3 years, which may be carried out when other assessments are carried out or at different times; or

(b) at an earlier date than required by paragraph (a), if the territorial authority is made aware of concerns about the access that a community has to drinking water services.

(4) A territorial authority must provide opportunities for any person to alert the territorial authority at any time to concerns about a community's access to drinking water services.

(5) For the purposes of this section,—

(a) references to assessments include—

(i) assessing a service for the first time; and

(ii) reviewing and updating an existing assessment:

(b) the scope of each assessment must include—

(i) communities that receive drinking water services from the territorial authority or other local government organisation; and

(ii) communities that do not receive drinking water services from the territorial authority or other local government organisation; and

(iii) all types of water supply arrangements, including communities (and households within those communities) that do not receive drinking water services supplied by network reticulation:

(c) territorial authorities need not consider within an assessment drinking water services that are owned or operated by the Crown:

(d) an assessment may be carried out by the territorial authority, or undertaken on its behalf (whether in whole or in part) by another appropriate organisation, including an iwi or Māori organisation.

Section 125: replaced, on 15 November 2021, by section 208 of the Water Services Act 2021 (2021 No 36).

126 Requirements following assessment of community drinking water service

(1) On completion of an assessment of a community drinking water service, a territorial authority must—

(a) make the assessment available to the public on an Internet site maintained by or on behalf of the territorial authority; and

(b) provide Taumata Arowai with a copy of the assessment in electronic form.

(2) A territorial authority must also notify Taumata Arowai about—

(a) any suppliers of drinking water services that are, or appear to be, failing to meet the supplier's statutory obligations or are at risk of doing so; and

(b) any other matters of concern arising from the assessment, including potential risks to communities affected by the assessment that relate to—

(i) any absence of, or deficiency in, a drinking water service; or

(ii) a drinking water supplier that is at risk of ceasing to provide a service.

(3) A territorial authority must also consider the findings and implications of the assessment in relation to—

(a) the territorial authority's current and future infrastructure strategy and long-term plan; and

(b) the territorial authority's district plan prepared under the Resource Management Act 1991; and

(c) the territorial authority's broader duty to improve, promote, and protect public health within its district in accordance with section 23 of the Health Act 1956.

Section 126: replaced, on 15 November 2021, by section 208 of the Water Services Act 2021 (2021 No 36).

Section 126(3)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

127 Duty to ensure communities have access to drinking water if existing suppliers facing significant problems

(1) Subsection (2) applies if—

(a) a territorial authority's or Taumata Arowai's assessment of a drinking water supply is that the supplier (not being the territorial authority) is facing a significant problem or potential problem with any of its drinking water services, and the territorial authority has notified Taumata Arowai of those concerns and discussed them with Taumata Arowai; or

(b) Taumata Arowai requires the territorial authority to take action under subsection (2).

(2) If this subsection applies, a territorial authority must—

(a) work collaboratively with the supplier, the consumers of the supply, and Taumata Arowai to identify, as the circumstances allow and within a time frame determined by Taumata Arowai, 1 or more of the following:

(i) an immediate solution to the problem:

(ii) a temporary solution to the problem:

(iii) a long-term, permanent solution to the problem; and

(b) ensure that drinking water is provided to the affected consumers, on a temporary or permanent basis, if—

(i) the supplier is unable to continue to provide a service that meets the statutory requirements; and

(ii) an alternative solution is not readily available, or cannot be agreed by the parties involved within the time frame determined by Taumata Arowai.

(3) For the purposes of this section,—

(a) a **significant problem or potential problem** includes where—

(i) a drinking water supplier has persistently failed to comply with legislative requirements; or

(ii) there is a serious risk to public health relating to the drinking water services provided by a drinking water supplier; or

(iii) a drinking water supplier has ceased to operate a drinking water service, or is, in Taumata Arowai's opinion, at significant risk of ceasing to operate a service:

(b) if a territorial authority is obliged to ensure access to drinking water, the territorial authority may consider a range of options to fulfil its obligation, including—

(i) taking over the management and operations of the drinking water service, on a temporary or permanent basis:

(ii) ensuring drinking water continues to be provided through alternative supply arrangements:

(c) nothing in paragraph (b) obliges a territorial authority to provide the supply via a reticulated network:

(d) if a territorial authority takes over the management and operations of a drinking water service on a permanent basis, the territorial authority, Taumata Arowai, the former supplier, and (if relevant) the affected consumers must work together to determine how to deal with—

(i) any assets and liabilities that may relate to the service; and

(ii) any legal or other issues that may affect the territorial authority's ability to manage and operate the service, such as access to the land on, or beneath which, assets are situated; and

(iii) how the territorial authority might be compensated for the costs incurred in taking over responsibility for the service:

(e) a territorial authority may charge for any drinking water services that are provided to affected consumers, and may recover its costs from the previous supplier, but, when making decisions about future charges and funding arrangements, the territorial authority must—

(i) take reasonable steps to ascertain and consider the financial circumstances facing the affected consumers; and

(ii) consider the range of funding sources provided for in its revenue and financing policy, including the potential use of general rates; and

(iii) on request, demonstrate that it has considered those factors.

(4) *See also* subpart 12 of Part 2 of the Water Services Act 2021 (statutory management and transfer of operations).

Section 127: inserted, on 15 November 2021, by section 208 of the Water Services Act 2021 (2021 No 36).

127 Information required in assessment of sanitary services

[Repealed]

Section 127: repealed, on 27 November 2010, by section 30 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

128 Requirement to assess wastewater and other sanitary services

(1) A territorial authority must assess the provision within its district of—

(a) wastewater services; and

(b) other sanitary services.

(2) The purpose of an assessment under subsection (1) is to assess, from a public health perspective, the adequacy of wastewater services and other sanitary services available to communities within a territorial authority's district, in light of—

(a) the health risks to communities arising from any absence of, or deficiency in, the services; and

(b) the quality of the services currently available to communities within the district; and

(c) the current and estimated future demands for any of those services; and

(d) the actual or potential consequences of stormwater and sewage discharges within the district.

(3) One type of service may be assessed in conjunction with another type of service.

Section 128: inserted, on 15 November 2021, by section 208 of the Water Services Act 2021 (2021 No 36).

128 Process for making assessments

[Repealed]

Section 128: repealed, on 27 November 2010, by section 30 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

129 Extent of information in assessments

[Repealed]

Section 129: repealed, on 27 November 2010, by section 30 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Subpart 2—Obligations and restrictions relating to provision of water services

130 Obligation to maintain water services

(1) This subpart applies to a local government organisation that provides water services to communities within its district or region—

(a) at the commencement of this section:

(b) at any time after the commencement of this section.

(2) A local government organisation to which this section applies must continue to provide water services and maintain its capacity to meet its obligations under this subpart.

(3) In order to fulfil the obligations under this subpart, a local government organisation must—

(a) not use assets of its water services as security for any purpose:

(b) not divest its ownership or other interest in a water service except to another local government organisation:

(c) not lose control of, sell, or otherwise dispose of, the significant infrastructure necessary for providing water services in its region or district, unless, in doing so, it retains its capacity to meet its obligations:

(d) not, in relation to a property to which it supplies water,—

(i) restrict the water supply unless section 193 applies; or

(ii) stop the water supply unless section 25 of the Water Services Act 2021 applies.

(4) This section—

(a) does not prevent a local government organisation from transferring a water service to another local government organisation; and

(b) does not override sections 131 to 137.

Section 130(3)(d)(ii): amended, on 15 November 2021, by section 209 of the Water Services Act 2021 (2021 No 36).

Closure or transfer of small water services

131 Power to close down or transfer small water services

(1) Despite section 130(2), a local government organisation may, in relation to a water service that it is no longer appropriate to maintain,—

(a) close down the water service; or

(b) transfer the water service to an entity representative of the community for which the service is operated.

(2) A local government organisation must not close down or transfer a water service unless—

(a) there are 200 or fewer persons to whom the water service is delivered and who are ordinarily resident in the district, region, or other subdivision; and

(b) it has consulted on the proposal with the Medical Officer of Health for the district or Taumata Arowai; and

(c) it has made publicly available in a balanced and timely manner—

(i) the views of the Medical Officer of Health or Taumata Arowai; and

(ii) the information it has received in the course of—

(A) undertaking a review, assessment, and comparison under section 134(a) and (b); or

(B) preparing a management plan and making assessments under section 135(a), (b), and (c); and

(d) the proposal is supported, in a binding referendum conducted under section 9 of the Local Electoral Act 2001 using the First Past the Post electoral system,—

(i) in the case of a proposal to close down a water service, by 75% or more of the votes cast in accordance with subsection (3); and

(ii) in the case of a proposal to transfer a water service, by more than 50% of the votes cast in accordance with section 132.

(3) For the purpose of subsection (2)(a), a certificate signed by the chief executive of the local government organisation as to the number of persons to whom the water service is delivered in the district, region, or other subdivision at any date is conclusive evidence of that number.

Section 131(2)(b): amended, on 15 November 2021, by section 210 of the Water Services Act 2021 (2021 No 36).

Section 131(2)(c)(i): amended, on 15 November 2021, by section 210 of the Water Services Act 2021 (2021 No 36).

132 Eligibility to vote in referendum

A person is eligible to vote in a referendum conducted under section 131(2)(d) if the person is qualified as either—

(a) a residential elector under section 23 of the Local Electoral Act 2001 and the address in respect of which the person is registered as a parliamentary elector is a property serviced by the water service that is the subject of the referendum; or

(b) a ratepayer elector under section 24 of the Local Electoral Act 2001 and the property, for the purposes of section 24(1)(a) or (b) of that Act, is a property serviced by the water service that is the subject of the referendum.

133 Responsibility for conduct of referendum

(1) The territorial authority that is responsible for conducting a referendum under section 131(2)(d) is the territorial authority in whose district the majority of persons eligible to vote in that referendum is on the roll of electors of that territorial authority.

(2) The electoral officer of a territorial authority responsible for conducting a referendum under subsection (1) must prepare a special roll of the persons eligible to vote under section 132.

(3) The provisions of the Local Electoral Act 2001 apply, with any necessary modifications, to the conduct of a referendum under section 131(2)(d).

134 Criteria for closure of water service

A local government organisation may only close down a water service under section 131(1)(a) if it has first—

(a) reviewed the likely effect of the closure on—

(i) the public health of the community that would be affected by the closure; and

(ii) the environment in the district of that community; and

(b) assessed, in relation to each property that receives the water service, the likely capital cost and annual operating costs of providing an appropriate alternative service if the water service is closed down; and

(c) compared the quality and adequacy of the existing water service with the likely quality and adequacy of the alternative service referred to in paragraph (b).

135 Criteria for transfer of water service

A local government organisation may only transfer a water service under section 131(1)(b) if it has first—

(a) developed a draft management plan under which the entity representative of the community would maintain and operate the water service; and

(b) assessed the likely future capital and operating costs of the entity representative of the community to maintain and operate the water service; and

(c) assessed the ability of the entity representative of the community to maintain and operate the water service satisfactorily.

Contracting out of water services

136 Contracts relating to provision of water services

(1) Despite section 130(2), a local government organisation may enter into contracts for any aspect of the operation of all or part of a water service for a term not longer than 35 years.

(2) If a local government organisation enters into a contract under subsection (1), it must—

(a) continue to be legally responsible for providing the water services; and

(b) retain control over the following matters:

(i) the pricing of water services; and

(ii) the development of policy related to the delivery of water services.

(3) This section does not limit contracts in relation to water services that are entered into solely between local government organisations.

(4) A contract entered into by a local government organisation is not a contract to which subsection (1) applies merely because the local government organisation agrees to any 1 or more of the following:

(a) to propose the use of a levy under the Infrastructure Funding and Financing Act 2020 to support the construction of eligible infrastructure:

(b) to carry out any aspect of the administration of a levy under that Act:

(c) the vesting of eligible infrastructure under that Act:

(d) to contribute to the construction costs of the eligible infrastructure.

Section 136: substituted, on 27 November 2010, by section 32 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 136(4): inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Joint local government arrangements and joint arrangements with other entities

Heading: substituted, on 7 July 2004, by section 13 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

137 Joint local government arrangements and joint arrangements with other entities

(1) In this section,—

joint arrangement means an arrangement entered into by 1 or more local government organisations with 1 or more bodies that are not local government organisations for the purpose of providing water services or any aspect of a water service

joint local government arrangement means an arrangement entered into by 2 or more local government organisations for the purpose of providing water services or any aspect of a water service.

(2) Section 130(2) does not prevent a local government organisation from entering into, for the purpose of providing water services,—

(a) a joint arrangement for a term not longer than 35 years (except a concession or other franchise agreement relating to the provision of the water services or any aspect of the water services):

(b) a joint local government arrangement for any term.

(3) However, before a local government organisation enters into a joint arrangement or joint local government arrangement, it must,—

(a) in the case of a local government organisation that is a local authority, have undertaken consultation in accordance with the procedures set out in Part 6; and

(b) in the case of a local government organisation that is not a local authority, have undertaken consultation in accordance with the procedures set out in Part 6 as if it were a local authority.

(c) *[Repealed]*

(4) If a local government organisation enters into a joint arrangement under subsection (2)(a), it must—

(a) continue to be legally responsible for providing the water services; and

(b) retain control over the following matters:

(i) the pricing of water services; and

(ii) the development of policy related to water services; and

(c) after the end of the joint arrangement, retain ownership of all the infrastructure associated with the water service, whether or not the infrastructure was—

(i) provided by the local government organisation at the beginning of the joint arrangement; or

(ii) developed or purchased during the joint arrangement; and

(d) not sell or transfer ownership of any existing infrastructure associated with the water service, unless the local government organisation reasonably believes that the sale is—

(i) incidental to the joint arrangement; and

(ii) desirable for the success of the joint arrangement.

(4A) An arrangement entered into by a local government organisation is not a joint arrangement or a joint local government arrangement to which this section applies merely because the arrangement includes doing any 1 or more of the following:

(a) proposing the use of a levy under the Infrastructure Funding and Financing Act 2020 to support the construction of eligible infrastructure:

(b) carrying out any aspect of the administration of a levy under that Act:

(c) the vesting of eligible infrastructure under that Act:

(d) contributing to the costs of the construction of the eligible infrastructure.

(5) In this section, **concession or other franchise agreement** means an agreement under which a person other than the local government organisation is entitled to receive a payment from any person other than the local government organisation for the supply of the water service.

Section 137 heading: substituted, on 7 July 2004, by section 14(1) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 137(1): substituted, on 7 July 2004, by section 14(2) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 137(2)(a): substituted, on 27 November 2010, by section 33(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 137(2)(b): amended, on 7 July 2004, by section 14(3) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 137(3): amended, on 7 July 2004, by section 14(3) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 137(3): amended, on 7 July 2004, by section 14(4) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 137(3)(b): amended, on 27 November 2010, by section 33(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 137(3)(c): repealed, on 27 November 2010, by section 33(3) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 137(4): substituted, on 27 November 2010, by section 33(4) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 137(4A): inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 137(5): added, on 27 November 2010, by section 33(4) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Subpart 3—Restrictions on disposal of parks, reserves, and endowment properties

Parks and reserves

138 Restriction on disposal of parks (by sale or otherwise)

(1) A local authority proposing to sell or otherwise dispose of a park or part of a park must consult on the proposal before it sells or disposes of, or agrees to sell or dispose of, the park or part of the park.

(2) In this section,—

dispose of, in relation to a park, includes the granting of a lease for more than 6 months that has the effect of excluding or substantially interfering with the public's access to the park

park—

(a) means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but

(b) does not include land that is held as a reserve, or part of a reserve, under the Reserves Act 1977.

Section 138: substituted, on 28 June 2006, by section 13 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

139 Protection of regional parks

(1) In this section and section 139A, **regional park**—

(a) means land—

(i) owned by a regional council; and

(ii) acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; and

(b) includes land within the meaning of paragraph (a) that is—

(i) reserve within the meaning of section 2(1) of the Reserves Act 1977; or

(ii) otherwise held or administered under the Reserves Act 1977 or any earlier corresponding enactment.

(2) For the purpose of enabling a regional council to protect a regional park or part of a regional park in its region, the Governor-General may, by Order in Council made on the recommendation of the Minister, declare the park or the part of the park to be protected in perpetuity from disposition (by sale or otherwise).

(3) The Minister must not make a recommendation unless the regional council has requested the Minister to do so.

(4) An Order in Council does not prevent a regional council from disposing of part of the regional park to which the order applies—

(a) to make a minor boundary adjustment to it:

(b) for the more efficient administration of it.

(5) However, subsection (4) applies only if—

(a) the retention of the land would not materially enhance the conservation or recreational value of the park; and

(b) the regional council has consulted in a manner that gives effect to the requirements of section 82 in determining whether to dispose of the land.

(6) Any land within the meaning of subsection (1)(b) that is included in an Order in Council—

(a) retains its classification under the Reserves Act 1977; and

(b) remains subject to that Act; and

(c) if the land is to be sold or disposed of under subsection (4) of this section, must first be dealt with under sections 24 and 25 of that Act.

(7) An Order in Council must specify the regional park or the part of the regional park to which the order applies—

(a) by name and legal description, if it is practicable to do so; or

(b) by name and a detailed description of the location of the land, in any other case.

(8) An order under subsection (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 139: substituted, on 28 June 2006, by section 14 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 139(5)(b): replaced, on 8 August 2014, by section 45 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 139(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

139A Further provision in relation to regional parks

(1) An Order in Council made under section 139 may be varied to include a reference to any land included in the regional park after the Order is made.

(2) The provisions of section 139 apply, with all necessary modifications, to an Order in Council varied under subsection (1).

Section 139A: inserted, on 28 June 2006, by section 14 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Endowment property

140 Restrictions on disposal of endowment property

(1) In this section and section 141, **property**—

(a) means real property of every type; and

(b) includes every type of estate and interest in property.

(2) This section and section 141 apply to property or part of a property vested in a local authority in trust or as an endowment.

(3) The property must be retained by the local authority for the purpose for which the property was vested in the local authority.

(4) However,—

(a) the Minister may approve in writing additional or different purposes—

(i) for which the property may be used; or

(ii) for which income derived from the property may be used; or

(b) unless expressly prohibited by the instrument that vested the property in the local authority, the local authority may sell or exchange the property and use the proceeds of the sale or exchange for a purpose identified by the local authority in accordance with section 141.

141 Conditions applying to sale or exchange of endowment property

(1) A local authority must not exercise the power in section 140(4)(b) unless—

(a) the proposed use of the proceeds of sale of the property, or of the property received in exchange, is consistent with the purpose of the endowment; and

(b) *[Repealed]*

(c) in a case where the Crown was the donor of the property, the local authority has notified the Minister for Land Information and the Minister in Charge of Treaty of Waitangi Negotiations of the local authority's proposal to sell or exchange the endowment land; and

(d) in other cases, the local authority has—

(i) made a reasonable attempt to notify the donor of the property, or his or her successor, as the case may be, that the local authority intends to sell or exchange the property; and

(ii) provided the donor with a reasonable opportunity to comment on the intended sale or exchange.

(2) To avoid doubt, notification of a proposal to sell or exchange a property under subsection (1)(c) does not oblige a Minister to take any action in relation to the proposal to sell or exchange the property.

(3) If the local authority is subject to reorganisation, the proceeds of a sale or exchange of property must be applied to the district or districts of the new local authority or authorities arising from the reorganisation of which the local authority formed part.

Compare: 1974 No 66 s 230

Section 141(1)(b): repealed, on 27 November 2010, by section 34 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Subpart 4—Public libraries

142 Obligation to provide free membership of libraries

If a local authority or a council-controlled organisation provides a library for public use, the residents in the district or region are entitled to join the library free of charge.

Compare: 1974 No 66 s 601(4)

Part 8
Regulatory, enforcement, and coercive powers of local authorities

Subpart 1—Powers of local authorities to make bylaws

143 Outline of Part

This Part provides the powers necessary for local authorities—

(a) to make bylaws:

(b) in relation to enforcement,—

(i) to enforce all regulatory measures made under this Act, including bylaws and infringement offences; and

(ii) to undertake, or contract out the administration of, those enforcement powers:

(c) to undertake certain activities on, or in relation to, private land, including powers in relation to owners and occupiers, and powers to recover for damage to certain local authority property caused wilfully or negligently:

(d) to undertake activities in relation to water services, including discharge of sewage and trade wastes:

(e) to require development contributions:

(f) to apply for and enforce removal orders.

144 Bylaws Act 1910

The Bylaws Act 1910 prevails over this Part and Part 9.

Compare: 1974 No 66 s 679

Powers of territorial authorities to make bylaws

145 General bylaw-making power for territorial authorities

A territorial authority may make bylaws for its district for 1 or more of the following purposes:

(a) protecting the public from nuisance:

(b) protecting, promoting, and maintaining public health and safety:

(c) minimising the potential for offensive behaviour in public places.

146 Specific bylaw-making powers of territorial authorities

(1) Without limiting section 145, a territorial authority may make bylaws for its district for the purposes—

(a) of regulating 1 or more of the following:

(i) on-site wastewater disposal systems:

(ii) waste management:

(iii) trade wastes:

(iv) solid wastes:

(v) keeping of animals, bees, and poultry:

(vi) trading in public places:

(b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:

(i) water races:

(ii) water supply:

(iii) wastewater, drainage, and sanitation:

(iv) land drainage:

(v) cemeteries:

(vi) reserves, recreation grounds, or other land under the control of the territorial authority:

(c) *[Repealed]*

(2) If a territorial authority makes bylaws under section 145 or subsection (1) regulating a wastewater network, as defined in section 5 of the Water Services Act 2021, the bylaws must give effect to any wastewater environmental performance standards made under section 138 of that Act.

(3) Subsection (2) applies to bylaws made on and after the commencement of section 211 of the Water Services Act 2021.

(4) If a territorial authority makes bylaws under this Act or the Reserves Act 1977 relating to a stormwater network, the bylaws must give effect to any stormwater environmental performance standards made under section 139A of the Water Services Act 2021.

Section 146(1)(c): repealed, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 146(2): inserted, on 15 November 2021, by section 211 of the Water Services Act 2021 (2021 No 36).

Section 146(3): inserted, on 15 November 2021, by section 211 of the Water Services Act 2021 (2021 No 36).

Section 146(4): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

147 Power to make bylaws for alcohol control purposes

(1) In this section,—

alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

licensed premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

public place—

(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but

(b) does not include licensed premises.

(2) A territorial authority may make bylaws for its district for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:

(a) the consumption of alcohol in public places:

(b) the bringing of alcohol into public places:

(c) the possession of alcohol in public places.

(3) In conjunction with a bylaw under subsection (2), a territorial authority may make bylaws for its district for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(4) A bylaw under this section does not prohibit, regulate, or control, in the case of alcohol in an unopened container,—

(a) the transport of the alcohol from licensed premises next to a public place, if—

(i) it was lawfully bought on those premises for consumption off those premises; and

(ii) it is promptly removed from the public place; or

(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or

(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or

(d) the transport of the alcohol from premises next to a public place to a place outside the public place if—

(i) the transport is undertaken by a resident of those premises; and

(ii) the alcohol is promptly removed from the public place.

(5) Subsections (2) and (3) do not limit section 145.

Section 147: replaced, on 18 December 2013, by section 4 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

147A Criteria for making or continuing bylaws

(1) Before making a bylaw under section 147, a territorial authority—

(a) must be satisfied that it can be justified as a reasonable limitation on people's rights and freedoms; and

(b) except in the case of a bylaw that will apply temporarily for a large scale event, must also be satisfied that—

(i) there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and

(ii) the bylaw is appropriate and proportionate in the light of that crime or disorder.

(2) Before deciding that a bylaw under section 147 should continue without amendment, a territorial authority must be satisfied that the level of crime or disorder experienced before the bylaw was made (being crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area concerned) is likely to return to the area to which the bylaw is intended to apply if the bylaw does not continue.

(3) Before making under section 147 a bylaw that is intended to replace an expiring bylaw and is to the same effect (or to substantially the same effect) as the expiring bylaw, a territorial authority must be satisfied that—

(a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and

(b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and

(c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

(4) Subsection (1) does not apply to a bylaw of a kind described in subsection (3).

Section 147A: inserted, on 18 December 2013, by section 4 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

147B Criteria for making resolutions relating to bylaws

Before making under section 151 a resolution relating to a bylaw under section 147, a territorial authority must be satisfied that—

(a) there is evidence that the area to which the bylaw applies (or will apply by virtue of the resolution) has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and

(b) the bylaw, as applied by the resolution,—

(i) is appropriate and proportionate in the light of the evidence; and

(ii) can be justified as a reasonable limitation on people's rights and freedoms.

Section 147B: inserted, on 18 December 2013, by section 4 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

147C Signage for areas in which bylaws for alcohol control purposes apply

Regulations under section 259 may do any or all of the following:

(a) require territorial authorities to erect and maintain signs indicating the existence or boundaries of areas in their districts in which a bylaw under section 147 applies:

(b) describe the required placement of the signs required to be erected and maintained:

(c) prescribe particular forms for particular kinds of sign required to be erected and maintained (including, without limitation, content, size, lettering, symbols, and colouring).

Section 147C: inserted, on 18 December 2013, by section 4 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

148 Special requirements for bylaws relating to trade wastes

(1) Before making bylaws under section 146(a)(iii), a territorial authority must send a copy of the proposed bylaws to the Minister of Health for his or her comments.

(2) Before sending proposed bylaws to the Minister of Health under subsection (1), the territorial authority must, at least 2 months before the making of the bylaws, give public notice of its intention to make the bylaws, stating—

(a) the trade wastes to which the bylaws will relate; and

(b) that copies of the draft bylaws may be inspected free of charge at the place specified in the notice and may be obtained on payment of the charge specified in the notice; and

(c) that the territorial authority is prepared to receive and consider any representation about the bylaws made to it in writing by, or on behalf of, owners or occupiers of trade premises within its district at the time specified in the notice, being not less than 2 months after publication of the notice.

(3) Before making the bylaws, the territorial authority must consider any representation received in accordance with the notice given under subsection (2).

(4) The territorial authority must, before making the bylaws, consult any body of persons the Minister of Health specifies to the territorial authority as being representative of—

(a) the interests of the owners or occupiers of trade premises in the district of the territorial authority; or

(b) any class of those owners or occupiers.

(5) A territorial authority—

(a) must enter on a register the name and postal address of an owner or occupier of trade premises who serves on the territorial authority a written request for registration; and

(b) must ensure that a copy of a notice required under subsection (2) is sent to the persons registered under paragraph (a); and

(c) may remove from the register the name of a person who has ceased to be the owner or occupier of trade premises within its district, or who has requested the local authority in writing to remove his or her name from the register.

(6) Nothing in this section limits the provisions of the Health Act 1956 or the Resource Management Act 1991.

(7) The requirements in this section are in addition to the requirements in section 156, but a territorial authority may comply with both sections by using a single process.

Compare: 1974 No 66 s 492

Section 148(6): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 148(7): substituted, on 20 September 2007, by section 5 of the Local Government Act 2002 Amendment Act 2007 (2007 No 69).

Power of regional councils to make bylaws

149 Power of regional councils to make bylaws

(1) A regional council may make bylaws in relation to the following matters:

(a) forests that the regional council owns or controls, whether or not the forest is within the region of the regional council:

(b) parks, reserves, recreation grounds, or other land that the regional council owns or controls:

(c) flood protection and flood control works undertaken by, or on behalf of, the regional council:

(d) water supply works undertaken by, or on behalf of, the regional council.

(2) Without limiting the generality of subsection (1), bylaws may be made in relation to the matters listed in subsection (1) for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of,—

(a) the real and personal property owned or controlled by the regional council; and

(b) sites or places on land of the regional council that have cultural, historical, recreational, scientific, or other community or amenity values.

Compare: 1974 No 66 s 586

Power of local authorities to prescribe fees

150 Fees may be prescribed by bylaw

(1) A local authority may prescribe fees or charges payable for a certificate, authority, approval, permit, or consent from, or inspection by, the local authority in respect of a matter provided for—

(a) in a bylaw made under this Act; or

(b) under any other enactment, if the relevant provision does not—

(i) authorise the local authority to charge a fee; or

(ii) provide that the certificate, authority, approval, permit, consent, or inspection is to be given or made free of charge.

(2) A bylaw may provide for the refund, remission, or waiver of a fee in specified situations or in situations determined by the local authority.

(3) Fees provided for in subsection (1) must be prescribed either—

(a) in bylaws; or

(b) following consultation in a manner that gives effect to the requirements of section 82.

(4) The fees prescribed under subsection (1) must not provide for the local authority to recover more than the reasonable costs incurred by the local authority for the matter for which the fee is charged.

(5) The local authority must ensure that copies of all bylaws made under subsection (1) or subsection (3) are available for public inspection free of charge at the public office of the local authority during ordinary office hours.

(6) This section does not apply to charges for goods, services, or amenities provided by the local authority in reliance on the general power under section 12.

Compare: 1974 No 66 s 690A

Section 150(3)(b): replaced, on 8 August 2014, by section 46 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

150A Costs of development contribution objections

(1) If a person objects to a territorial authority's requirement that a development contribution be made, the territorial authority may recover from the person its actual and reasonable costs in respect of the objection.

(2) The costs that the territorial authority may recover under this section are the costs incurred by it in respect of—

(a) the selection, engagement, and employment of the development contributions commissioners; and

(b) the secretarial and administrative support of the objection process; and

(c) preparing for, organising, and holding the hearing.

(3) A territorial authority may, in any particular case and in its absolute discretion, waive or remit the whole or any part of any costs that would otherwise be payable under this section.

(4) A territorial authority's actual and reasonable costs in respect of objections are recoverable under section 252.

Section 150A: inserted, on 8 August 2014, by section 47 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Bylaws proposed by local boards

Heading: inserted, on 8 August 2014, by section 47 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

150B Local boards may propose bylaw

(1) A local board may propose to the governing body, in writing, the making of a bylaw to apply only in, or only in any part of, its local board area.

(2) As soon as is practicable after receiving a proposal under subsection (1), the governing body must decide whether the proposed bylaw meets the following requirements:

(a) the enactment under which the proposed bylaw is to be made authorises the making of the bylaw; and

(b) the proposed bylaw complies with the applicable statutory requirements of that enactment and any other relevant enactment; and

(c) the proposed bylaw is not inconsistent with any strategy, policy, plan, or bylaw of the unitary authority; and

(d) the proposed bylaw can be implemented and enforced within the local board's budget; and

(e) the proposed bylaw will not have any significant effect outside the local board's area.

(3) If the governing body decides that a proposed bylaw—

(a) meets the requirements of subsection (2), it must give written notice of its decision to the local board:

(b) does not meet the requirements of subsection (2), it must give written notice of its decision (with reasons) to the local board.

(4) In this section and sections 150C to 150F,—

(a) a reference to the governing body in relation to a local board means the governing body of the unitary authority for the district that includes the local board area of that local board; and

(b) a reference to the unitary authority in relation to a local board means the unitary authority for the district that includes the local board area of that local board.

Section 150B: inserted, on 8 August 2014, by section 47 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

150C Local board must consult on proposed bylaw

(1) This section applies if a local board has received notice under section 150B(3)(a) from a governing body in respect of a bylaw that the local board has proposed.

(2) The local board must consult the public within the local board area on the proposed bylaw and, for that purpose, section 156(1) applies, with any necessary modifications, as if the local board were a local authority.

(3) If, after acting under subsection (2), the local board confirms the proposed bylaw, it must give written notice of its decision to the governing body, and the governing body must adopt the bylaw by resolution.

(4) If, after acting under subsection (2), the local board modifies the proposed bylaw, it must given written notice of its decision to the governing body, and the governing body must,—

(a) if satisfied that the proposed bylaw meets the requirements of section 150B(2), adopt the bylaw by resolution; or

(b) if not satisfied that the proposed bylaw meets the requirements of section 150B(2), give notice to the local board under section 150B(3)(b).

(5) Where the unitary authority adopts under subsection (3) or (4)(a) a bylaw that is made under this Act, the requirements of sections 86, 155, and 156 are deemed to be satisfied in respect of that bylaw.

Section 150C: inserted, on 8 August 2014, by section 47 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

150D Local board may propose amendment to bylaw

(1) A local board may propose to the governing body, in writing, that a bylaw that applies only in, or only in any part of, its local board area be amended.

(2) For the purposes of subsection (1), sections 150B and 150C apply with any necessary modifications.

Section 150D: inserted, on 8 August 2014, by section 47 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

150E Local board may propose revocation of bylaw

(1) A local board may propose to the governing body, in writing, that a bylaw that applies only in, or only in any part of, its local board area be revoked.

(2) As soon as practicable after receiving a proposal under subsection (1), the governing body must decide whether the proposed revocation—

(a) complies with the applicable statutory requirements; and

(b) is not inconsistent with any strategy, policy, or plan of the unitary authority; and

(c) will not have any significant effect outside the local board's area.

(3) If the governing body decides that a proposed revocation—

(a) meets the requirements of subsection (2), it must give written notice of its decision to the local board:

(b) does not meet the requirements of subsection (2), it must give written notice of its decision (with reasons) to the local board.

(4) If the local board receives notice under subsection (3)(a), section 150C(2), (3), and (5) applies, with any necessary modifications, as if the proposed revocation were a proposed bylaw.

Section 150E: inserted, on 8 August 2014, by section 47 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

150F Joint bylaw proposals

(1) Two or more local boards may propose to the governing body, in writing, the making of a bylaw to apply only in, or only in any part of, the local boards' areas.

(2) For the purposes of subsection (1), sections 150B to 150D apply with any necessary modifications.

Section 150F: inserted, on 8 August 2014, by section 47 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

General provisions applying to bylaws made by a local authority

151 General provisions applying to bylaws made under this Act

(1AA) This section applies to a bylaw only if it is made under this Act or the Maritime Transport Act 1994.

(1) A bylaw may require anything to be done in any manner, or within any time, that is required by the local authority or by a person referred to in the bylaw.

(2) A bylaw may leave any matter or thing to be regulated, controlled, or prohibited by the local authority by resolution either generally, for any specified classes of case, or in a particular case.

(3) A bylaw may provide for the following:

(a) the licensing of persons or property:

(b) the payment of reasonable licence fees:

(c) recovery of costs incurred by the local authority in relation to an activity licensed under a bylaw.

Compare: 1974 No 66 s 682(a)–(c)

Section 151 heading: amended, on 28 June 2006, by section 15(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 151(1AA): inserted, on 28 June 2006, by section 15(2) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 151(1AA): amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

152 Effect of Building Act 2004 on bylaws

(1) A council may not make a bylaw under this Act that purports to have the effect of requiring a building to achieve performance criteria additional to, or more restrictive than, those specified in the Building Act 2004 or the building code.

(2) For the purposes of this section, **building**, **building code**, and **performance criteria** have the meanings given to them by the Building Act 2004.

Compare: 1974 No 66 s 684A

Section 152 heading: amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 152(1): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 152(2): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

152A Effect of Food Act 2014 on bylaws

(1) This section applies to the following documents:

(a) the Food Act 2014:

(b) regulations under the Food Act 2014:

(c) adopted joint food standards under the Food Act 2014:

(d) domestic food standards under the Food Act 2014:

(e) notices under the Food Act 2014:

(f) directions given by the chief executive of the Ministry under the Food Act 2014.

(2) If a bylaw made by a council is inconsistent with a document,—

(a) the document prevails and the bylaw has no effect to the extent of the inconsistency; and

(b) the council must amend or revoke the bylaw to remove the inconsistency.

(3) The council need not use the special consultative procedure set out in section 83 to amend or revoke the bylaw to remove the inconsistency, despite anything in this Act.

(4) A council must not make a bylaw that is inconsistent with a document.

Section 152A: inserted, on 1 March 2016, by section 447 of the Food Act 2014 (2014 No 32).

152B Effect of Fire and Emergency New Zealand Act 2017 on bylaws

(1) If a territorial authority is satisfied, after consultation with Fire and Emergency New Zealand, that it is appropriate to amend or revoke a relevant fire bylaw, the territorial authority may, despite anything in this Act, amend or revoke the bylaw by resolution publicly notified without being required to—

(a) consult in accordance with section 82; or

(b) use the special consultative procedure set out in section 83.

(2) In subsection (1), **relevant fire bylaw** means a bylaw that—

(a) relates to the removal of fire hazards; or

(b) declares prohibited or restricted fire seasons; or

(c) prohibits or otherwise regulates or controls the lighting of fires in open air; or

(d) relates to the prevention of the spread of fires involving vegetation.

(3) If any bylaw made by a territorial authority is inconsistent with the Fire and Emergency New Zealand Act 2017 or any regulations or notice under that Act,—

(a) the Act, regulations, or notice prevails and the bylaw has no effect to the extent of the inconsistency; and

(b) the territorial authority must amend or revoke the bylaw to remove the inconsistency.

(4) The territorial authority may, despite anything in this Act, amend or revoke the bylaw to remove the inconsistency by resolution publicly notified, without being required to—

(a) consult in accordance with section 82; or

(b) use the special consultative procedure set out in section 83.

(5) A territorial authority must not make a bylaw that is inconsistent with the Fire and Emergency New Zealand Act 2017 or any regulations or notice under that Act.

Section 152B: inserted, on 1 July 2017, by section 199 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

The Crown bound by certain bylaws

153 The Crown bound by certain bylaws

(1) The Crown is bound by bylaws made by a local authority under any of the following provisions:

(a) section 146(a)(iii), in relation to trade wastes:

(b) section 146(a)(iv), in relation to solid wastes:

(c) section 146(b)(ii), in relation to water supply:

(d) section 146(b)(iii), in relation to stormwater from any building and drainage from any infrastructure.

(e) *[Repealed]*

(2) The Crown is not bound by bylaws made by a local authority under any other provision of this Part.

(3) However, the Crown is bound by any bylaw if non-compliance with that bylaw by the Crown would be likely to have an adverse effect on public health or safety.

Section 153(1)(e): repealed, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

154 Power of exemption

(1) The Minister of Local Government may, by a notice copied to the relevant local authority, exempt the Crown from any bylaw by which it is bound under section 153 if the Minister is satisfied, in his or her discretion, that the exemption is in the national interest.

(2) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 154(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 154(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Procedure for making bylaws

155 Determination whether bylaw made under this Act is appropriate

(1AA) This section applies to a bylaw only if it is made under this Act or the Maritime Transport Act 1994.

(1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.

(2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—

(a) is the most appropriate form of bylaw; and

(b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.

(3) No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.

Section 155 heading: amended, on 28 June 2006, by section 16(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 155(1AA): inserted, on 28 June 2006, by section 16(2) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 155(1AA): amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

156 Consultation requirements when making, amending, or revoking bylaws made under this Act

(1) When making a bylaw under this Act or amending or revoking a bylaw made under this Act, a local authority must—

(a) use the special consultative procedure (as modified by section 86) if—

(i) the bylaw concerns a matter identified in the local authority's policy under section 76AA as being of significant interest to the public; or

(ii) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes to, or revocation of, the bylaw; and

(b) in any case in which paragraph (a) does not apply, consult in a manner that gives effect to the requirements of section 82.

(2) Despite subsection (1), a local authority may, by resolution publicly notified,—

(a) make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect—

(i) an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or

(ii) an existing status or capacity of any person to whom the bylaw applies:

(b) convert an imperial weight or measure specified in a bylaw into its metric equivalent or near metric equivalent.

Section 156: substituted, on 28 June 2006, by section 17 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 156 heading: replaced, on 8 August 2014, by section 48(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(1): replaced, on 8 August 2014, by section 48(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 156(2): amended, on 8 August 2014, by section 48(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

157 Public notice of bylaws and availability of copies

(1) As soon as practicable after a bylaw is made, the local authority must give public notice of the making of the bylaw, stating—

(a) the date on which the bylaw will come into operation; and

(b) that copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount.

(2) A local authority must—

(a) keep copies of all its bylaws at the office of the local authority; and

(b) make its bylaws available for public inspection, without fee, at reasonable hours at the office of the authority; and

(c) supply to any person, on request and on payment of a reasonable charge, a copy of any of its bylaws.

Compare: 1974 No 66 s 689

Review of bylaws made under this Act or the Local Government Act 1974

Heading: amended, on 28 June 2006, by section 18 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

158 Review of bylaws made under this Act or the Local Government Act 1974

(1) A local authority must review a bylaw made by it under this Act or the Maritime Transport Act 1994 (other than a bylaw deemed to be made under this Act by section 293) no later than 5 years after the date on which the bylaw was made.

(2) A local authority must review a bylaw made by it under the Local Government Act 1974 (other than a bylaw deemed to be made under this Act by section 293)—

(a) no later than 1 July 2008, if the bylaw was made before 1 July 2003; and

(b) no later than 5 years after the bylaw was made, if the bylaw was made after 1 July 2003.

Section 158: substituted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 158(1): amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

159 Further reviews of bylaws every 10 years

A local authority must review a bylaw made by it under this Act, the Maritime Transport Act 1994, or the Local Government Act 1974 no later than 10 years after it was last reviewed as required by section 158 or this section.

Section 159: substituted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 159: amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

160 Procedure for and nature of review

(1) A local authority must review a bylaw to which section 158 or 159 applies by making the determinations required by section 155.

(2) For the purposes of subsection (1), section 155 applies with all necessary modifications.

(3) If, after the review, the local authority considers that the bylaw—

(a) should be amended, revoked, or revoked and replaced, it must act under section 156:

(b) should continue without amendment, it must—

(i) consult on the proposal using the special consultative procedure if—

(A) the bylaw concerns a matter identified in the local authority's policy under section 76AA as being of significant interest to the public; or

(B) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed continuation of the bylaw; and

(ii) in any other case, consult on the proposed continuation of the bylaw in a manner that gives effect to the requirements of section 82.

(4) For the purpose of the consultation required under subsection (3)(b), the local authority must make available—

(a) a copy of the bylaw to be continued; and

(b) the reasons for the proposal; and

(c) a report of any relevant determinations by the local authority under section 155.

(5) This section does not apply to any bylaw to which section 10AA of the Dog Control Act 1996 applies.

Section 160: substituted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 160(3)(b): replaced, on 8 August 2014, by section 49(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 160(4): amended, on 8 August 2014, by section 49(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

160A Bylaw not reviewed within specified time frame revoked

A bylaw that is not reviewed as required under section 158 or 159, if not earlier revoked by the local authority concerned, is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed under that section.

Section 160A: inserted, on 28 June 2006, by section 19 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

160B Bylaw revocation postponed as result of outbreak of COVID-19

[Repealed]

Section 160B: repealed, on 1 July 2021, by section 160B(3).

Transfer of bylaw-making power

161 Transfer of bylaw-making power

(1) A territorial authority may transfer all or any of its powers to make bylaws—

(a) to a regional council if any part of the district of the territorial authority is within the region of that regional council; or

(b) to another territorial authority.

(2) A regional council may transfer all or any of its powers to make bylaws to a territorial authority within its region or to another regional council.

(3) The provisions of section 17 apply in relation to a transfer under this section.

(4) A local authority must not transfer or delegate the power to make bylaws, except as provided for in this section.

Subpart 1A—Local authority legislation

Subpart 1A: inserted, on 28 October 2021, by section 14 of the Legislation (Repeals and Amendments) Act 2019 (LI 2021/247).

161A What is local authority legislation

(1) A bylaw that is made by a local authority or a council-controlled organisation is secondary legislation for the purposes of the Legislation Act 2019.

(2) Any other instrument (whatever it is called) that is made by a local authority or a council-controlled organisation is secondary legislation for the purposes of the Legislation Act 2019 if it has significant legislative effect.

(3) Subsection (1) applies whether or not the empowering legislation expressly states that the instrument is secondary legislation.

(4) However,—

(a) for the purposes of the Legislation Act 2019, the secondary legislation has a presentation exemption (and so does not need to be presented to the House of Representatives), unless the empowering legislation (or other legislation) expressly requires presentation; and

(b) the secondary legislation need not be published under the Legislation Act 2019; and

(c) the secondary legislation is disallowable by the House of Representatives unless it is made by bylaws as defined by section 2 of the Bylaws Act 1910 (*see* section 115 of the Legislation Act 2019).

Section 161A: inserted, on 28 October 2021, by section 14 of the Legislation (Repeals and Amendments) Act 2019 (LI 2021/247).

161B Instruments that have significant legislative effect

(1) An instrument has a significant legislative effect for the purposes of this subpart if the effect of the instrument is to do both of the following:

(a) create, alter, or remove rights or obligations; and

(b) determine or alter the content of the law applying to the public or a class of the public.

(2) For the purposes of subsection (1),—

(a) an instrument that determines or alters the temporal application of rights or obligations must be treated as having the effect described in paragraph (a) of that subsection; and

(b) an instrument that determines or alters the temporal application of the law applying to the public or a class of the public must be treated as having the effect described in paragraph (b) of that subsection.

(3) In applying subsection (1), the following must be disregarded:

(a) the description, form, and maker of the instrument:

(b) whether all or a portion of the instrument needs to be confirmed by an Act:

(c) whether the instrument also contains provisions that are administrative.

(4) An instrument does not have a significant legislative effect if it explains or interprets rights or obligations in a non-binding way, as long as the instrument does not do anything else that would bring it within subsection (1).

(5) An instrument that is made in the exercise of a statutory power and imposes obligations in an individual case does not determine or alter the content of the law just because the statutory power applies generally or to a class of persons.

Section 161B: inserted, on 28 October 2021, by section 14 of the Legislation (Repeals and Amendments) Act 2019 (LI 2021/247).

161C Other supporting definitions

(1) For the purposes of this subpart, an instrument that **determines or alters the temporal application of rights or obligations** includes (without limitation) one that does 1 or more of the following to the legislation that directly or indirectly confers or imposes those rights or obligations:

(a) appoints or prescribes a date on which, or other time at which, they come into force:

(b) defers the date on which, or other time at which, they apply or come into force:

(c) suspends, or in any way cancels, for a period or until a time, their application or operation:

(d) continues or extends (with or without a break), for a period or until a time, their application or operation:

(e) defers the date on which, or other time at which, they are abolished, repealed, or revoked:

(f) on a date, or at any other time, abolishes, repeals, or revokes them.

(2) For the purposes of this subpart,—

obligations includes—

(a) duties or liabilities:

(b) obligations to comply with prohibitions:

(c) ineligibility for rights, benefits, entitlements, interests, powers, or privileges

rights includes—

(a) benefits, entitlements, interests, powers, or privileges:

(b) eligibility for rights, benefits, entitlements, interests, powers, or privileges.

Section 161C: inserted, on 28 October 2021, by section 14 of the Legislation (Repeals and Amendments) Act 2019 (LI 2021/247).

Subpart 2—Enforcement powers

Injunctions

162 Injunctions restraining commission of offences and breaches of bylaws

(1) The District Court may, on the application of a local authority, grant an injunction restraining a person from committing a breach of a bylaw or an offence against this Act.

(2) An injunction may be granted under subsection (1)—

(a) despite anything in any other enactment:

(b) whether or not proceedings in relation to the breach or offence have been commenced:

(c) if a person is convicted of the breach or offence,—

(i) in substitution for, or in addition to, any other penalty; or

(ii) in subsequent proceedings.

Compare: 1974 No 66 ss 683, 698

Section 162(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Removal of works

163 Removal of works in breach of bylaws

(1) If authorised by a bylaw to do so, a local authority may—

(a) remove or alter a work or thing that is, or has been, constructed in breach of a bylaw; and

(b) recover the costs of removal or alteration from the person who committed the breach.

(2) Nothing done under subsection (1) or in a bylaw referred to in that subsection relieves the person who committed the breach from any other liability for the breach of the bylaw.

Compare: 1974 No 66 s 692

Seizure of property

164 Seizure of property not on private land

(1) An enforcement officer may seize and impound property that is not on private land if—

(a) the property is materially involved in the commission of an offence; and

(b) it is reasonable in the circumstances to seize and impound the property; and

(c) before seizing and impounding the property, the enforcement officer—

(i) directed (orally or in writing) the person committing the offence to stop committing the offence; and

(ii) has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and

(iii) provided the person with a reasonable opportunity to stop committing the offence.

(2) However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with subsection (1)(c).

(3) As soon as practicable after seizing and impounding property, an enforcement officer must give a notice in the prescribed form—

(a) to the person in possession of the property at the time it was seized and impounded; or

(b) if paragraph (a) does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.

(4) In this section and section 165, **offence**—

(a) means an offence against this Act; and

(b) includes a breach of a bylaw.

165 Seizure of property from private land

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant authorising an enforcement officer to enter private property involved in the commission of an offence, and seize and impound property.

(2) A warrant may be issued only if—

(a) the application for it is made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and

(b) the issuing officer is satisfied that—

(i) the property is materially involved in the commission of an offence; and

(ii) it is reasonable in the circumstances for the property to be seized; and

(iii) the enforcement officer has directed the person committing the offence to stop committing the offence and has advised the person that, if he or she fails to do so, the enforcement officer intends to apply for a warrant; and

(iv) the enforcement officer has given the person committing the offence a reasonable opportunity to stop committing the offence.

(3) None of the following persons may act as an issuing officer under this section:

(a) the mayor or any elected member of the local authority:

(b) any employee of the local authority.

(4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply as if a warrant issued under subsection (1) were a search warrant.

Section 165(1): amended, on 1 October 2012, by section 270(1) of the Search and Surveillance Act 2012 (2012 No 24).

Section 165(2)(a): amended, on 1 October 2012, by section 270(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 165(2)(b): amended, on 1 October 2012, by section 270(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 165(3): replaced, on 1 October 2012, by section 270(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 165(4): replaced, on 1 October 2012, by section 270(4) of the Search and Surveillance Act 2012 (2012 No 24).

166 Conditions for exercise of warrant to seize property on private land

(1) An enforcement officer executing a warrant issued under section 165(1) must be accompanied by a constable.

(2) Subsection (1) overrides section 165(4).

Section 166(1): replaced, on 1 October 2012, by section 271(1) of the Search and Surveillance Act 2012 (2012 No 24).

Section 166(2): replaced, on 1 October 2012, by section 271(1) of the Search and Surveillance Act 2012 (2012 No 24).

167 Return of property seized and impounded

(1) The owner of property that has been seized and impounded under section 164, or the person from whom the property was seized, may request the local authority concerned to return the property.

(2) The local authority must return the property if—

(a) the property is not likely to be involved in an offence for which it was seized; and

(b) the owner or person has paid, or tenders with the request payment of, the costs of the local authority in seizing, impounding, transporting, and storing the property.

(3) If the local authority refuses to return the property, the owner or person from whom it was seized may apply to the District Court to review the local authority's decision.

(4) The District Court may—

(a) confirm the local authority's decision; or

(b) order that the property be returned.

Section 167(1): amended, on 1 October 2012, by section 271(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 167(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

168 Power to dispose of property seized and impounded

(1) A local authority may dispose of property seized and impounded under section 164 that has not been returned within 6 months after it was seized and impounded.

(2) A local authority must not dispose of property before giving the owner of the property and the person it was seized from not less than 14 working days' notice of the authority's intention to do so.

(3) A local authority may dispose of the property by way of sale or otherwise as it thinks fit.

(4) Any proceeds from the disposal of the property must be applied to pay,—

(a) first, the costs incurred in seizing, impounding, transporting, and storing the property:

(b) second, the costs of disposing of the property:

(c) third, any surplus to the owner of the property or the person from whom it was seized.

Section 168(1): amended, on 1 October 2012, by section 271(3) of the Search and Surveillance Act 2012 (2012 No 24).

Powers of arrest, search, and seizure in relation to liquor

169 Powers of arrest, search, and seizure in relation to alcohol bans

(1) In this section and in sections 169A and 170,—

alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

alcohol ban means a bylaw made under section 147

offence means a breach of an alcohol ban

restricted place means a public place (within the meaning of section 147(1)) in respect of which an alcohol ban is in force.

(2) A constable may, without warrant,—

(a) for the purpose of ascertaining whether alcohol is present, search—

(i) a container (for example, a bag, case, package, or parcel) in the possession of a person who is in, or entering, a restricted place; or

(ii) a vehicle that is in, or is entering, a restricted place:

(b) seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol ban:

(c) arrest any person whom the constable finds committing an offence:

(d) arrest any person who has refused to comply with a request by a constable—

(i) to leave a restricted place; or

(ii) to surrender to a constable any alcohol that, in breach of an alcohol ban is in the person's possession.

(3) Alcohol or a container seized under subsection (2)(b) is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee.

Section 169: replaced, on 18 December 2013, by section 5 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

Matters of proof in relation to bylaws prohibiting alcohol in public place

Heading: inserted, on 18 December 2013, by section 5 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

169A Proving substance is alcohol in relation to alleged breach of alcohol ban

(1) In this section, **labelled trade container** means a container that is of a type sold in the ordinary course of trade, and is labelled to the effect that it contains 1.15% or more ethanol.

(2) This subsection applies to a substance in respect of which a breach of alcohol ban is alleged to have been committed if the substance was in a container at the time the offence is alleged to have been committed, and—

(a) the container was a labelled trade container; or

(b) the container was not a labelled trade container but appeared to contain alcohol, and when it was opened the substance smelled like alcohol; or

(c) the defendant has at any time made to a constable an admission to the effect that the substance was alcohol.

(3) If, in any proceedings for a breach of alcohol ban, it is proved that subsection (2) applies to the substance in respect of which the breach is alleged to have been committed, the substance must be presumed to be alcohol unless the defendant—

(a) proves that it was not; or

(b) has served on the prosecution notice in writing at least 20 working days before the hearing that he or she disputes that the substance was alcohol.

Section 169A: inserted, on 18 December 2013, by section 5 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

Section 169A(3)(b): amended, on 26 March 2015, by section 4 of the Local Government Act 2002 Amendment Act 2015 (2015 No 21).

170 Conditions relating to power of search

(1) Before exercising the power of search under section 169(2)(a) in relation to a container or a vehicle, a constable must—

(a) inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and

(b) provide the person with a reasonable opportunity to remove the container or the vehicle, as the case may be, from the public place.

(2) However, on specified dates or in relation to specified events, notified in accordance with subsection (3), a constable may, immediately and without further notice, exercise the power under section 169(2)(a) to search a container or a vehicle.

(3) Before a constable may exercise the power of search under subsection (2), the territorial authority must—

(a) specify the public place (within the meaning of section 169(1)) where, and the period when, this power may be exercised by the Police by public notice given 14 days in advance in accordance with this Act; and

(b) indicate the location of the public place by 1 or more clearly legible notices affixed in 1 or more conspicuous places on, or adjacent to, the place to which the notice relates, unless it is impracticable or unreasonable to do so.

(4) Subsection (2) only applies if the constable is authorised to exercise that power by a bylaw made under section 147.

Compare: 1974 No 66 s 709H

Section 170(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 170(1)(b): amended, on 7 July 2004, by section 17 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 170(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 170(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 170(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Powers of entry

171 General power of entry

(1) For the purpose of doing anything that the local authority is empowered to do under this Act or any other Act, a local authority may enter any land or building other than a dwellinghouse.

(2) *[Repealed]*

(3) *[Repealed]*

(4) If a local authority exercises the power under subsection (1) to enter unoccupied land or unoccupied buildings, the local authority must notify the owner—

(a) not less than 24 hours in advance of the intended entry if it is reasonably practicable to do so; or

(b) as early as reasonably practicable, whether before or after entry has been made.

(5) This section does not limit section 172 or section 173.

Section 171(2): repealed, on 1 October 2012, by section 271(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 171(3): repealed, on 1 October 2012, by section 271(4) of the Search and Surveillance Act 2012 (2012 No 24).

172 Power of entry for enforcement purposes

(1) A warranted enforcement officer may enter land for the purpose of detecting a breach of a bylaw or the commission of an offence against this Act if the officer has reasonable grounds for suspecting that a breach of the bylaw or the commission of the offence has occurred or is occurring on the land.

(2) Before exercising the power in subsection (1), the officer must, if practicable, give reasonable notice to the occupier of the land of the intention to exercise the power, unless the giving of notice would defeat the purpose of entry.

(3) The power in subsection (1) to enter a dwellinghouse must not be exercised unless—

(a) the entry is authorised by a warrant given by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act; and

(b) when exercising the power, the enforcement officer is accompanied by a constable.

(4) Subject to subsections (3)(b) and (5), the provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(5) Despite subsection (4), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

Section 172(3)(a): amended, on 1 October 2012, by section 271(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 172(3)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 172(4): replaced, on 1 October 2012, by section 271(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 172(5): inserted, on 1 October 2012, by section 271(6) of the Search and Surveillance Act 2012 (2012 No 24).

173 Power of entry in cases of emergency

(1) A local authority may, for the purpose of doing anything that it is authorised to do under this Act or any other enactment, enter occupied land or buildings without giving prior notice, if—

(a) there is a sudden emergency causing or likely to cause—

(i) loss of life or injury to a person; or

(ii) damage to property; or

(iii) damage to the environment; or

(b) there is danger to any works or adjoining property.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, and sections 118 and 119) apply.

(3) A local authority may also use the powers in subsection (1) for the purpose of accessing eligible infrastructure under the control of an SPV under the Infrastructure Funding and Financing Act 2020.

Compare: 1974 No 66 s 708A(3)

Section 173(2): replaced, on 1 October 2012, by section 271(7) of the Search and Surveillance Act 2012 (2012 No 24).

Section 173(3): inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

174 Authority to act

(1) If an officer of a local authority or other person is authorised by this Act or another enactment to enter private land on behalf of the local authority, the local authority must provide a written warrant under the seal of the local authority as evidence that the person is so authorised.

(2) The production of a warrant issued under subsection (1) is sufficient proof of a person's authorisation.

(3) An authorised person must, if requested, produce the warrant provided under subsection (1) before entering private land under the authority.

(4) An officer or other person must surrender to the local authority the warrant provided under subsection (1) if—

(a) the officer's appointment is terminated; or

(b) the authorisation referred to in subsection (1) is terminated.

(5) This section does not apply to—

(a) a dog control officer or dog ranger acting under a power of entry conferred by the Dog Control Act 1996; or

(b) an enforcement officer acting under a power conferred by the Resource Management Act 1991; or

(c) an inspector or authorised person acting under a power conferred by the Biosecurity Act 1993.

Compare: 1974 No 66 s 710

Section 174(5)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Recovery for damage

175 Power to recover for damage by wilful or negligent behaviour

A person who wilfully or negligently destroys, damages, stops, obstructs, or otherwise interferes with any works or property owned, constructed, acquired, or used by a local authority is liable for, as the case may be,—

(a) the amount of the destruction or damage; or

(b) the cost incurred by the local authority in removing the stoppage or obstruction; or

(c) any loss or expenses incurred by the local authority by the stoppage or obstruction or interference.

Compare: 1974 No 66 s 695

176 Costs of remedying damage arising from breach of bylaw

(1) A person who has been convicted of an offence against a bylaw is liable to pay to the local authority concerned the costs of remedying any damage caused in the course of committing the offence.

(2) The costs must be assessed by a District Court Judge and are recoverable as if they were a fine.

(3) Costs recoverable under this section are in addition to any penalty for which the person who committed the offence is liable.

Compare: 1974 No 66 s 493(2)–(4)

Section 176(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Administration of enforcement functions

177 Appointment of enforcement officer

(1) A local authority may appoint persons to be enforcement officers in the district or region of the local authority in relation to any offence under this Act, including, without limitation,—

(a) offences against bylaws made under this Act:

(b) infringement offences provided for by regulations made under section 259.

(2) A local authority must issue warrants in writing to enforcement officers appointed under this section, specifying—

(a) the responsibilities and powers delegated to them; and

(b) the infringement offences in relation to which they are appointed.

(3) An enforcement officer must produce his or her warrant and evidence of identity whenever reasonably required to do so by any person.

(4) Enforcement officers may exercise the power to seize an object under section 164.

Powers of enforcement officers

178 Enforcement officers may require certain information

If an enforcement officer believes on reasonable grounds that a person is committing or has committed an offence under this Act, the officer may direct the person to give—

(a) his or her name and address; and

(b) the name and address and whereabouts of any other person connected in any way with the alleged offence.

Administration of enforcement may be contracted out

179 Contracting out administration of enforcement

(1) A local authority may contract out to any other local authority or other person the administration of its regulatory functions, including, without limitation, the operational aspects of enforcement, inspection, licensing, and other administrative matters.

(2) If any aspects of the administration of bylaws or other regulatory functions of the local authority are contracted out under this section, the local authority retains responsibility for the manner in which those tasks are undertaken, including legal responsibility.

Enforcement of regional council bylaws

180 Enforcement and administration of regional council bylaws

(1) If a regional council has made a bylaw under subpart 1, a territorial authority with jurisdiction in that region may, with the consent of the regional council, undertake within its district the enforcement and administration of that bylaw.

(2) If a bylaw is enforced and administered under subsection (1), fines imposed for breaches committed within the district must—

(a) be dealt with by the territorial authority as if they were fines imposed for breaches of a bylaw of that territorial authority; and

(b) subject to section 73 of the Public Finance Act 1989, be paid to the relevant territorial authority.

Compare: 1974 No 66 s 687

Subpart 3—Powers in relation to private land

Construction of works

181 Construction of works on private land

(1) A local authority may construct works on or under private land or under a building on private land that it considers necessary for—

(a) the supply by territorial authorities of water by means of reticulated systems:

(b) the supply of water through water races:

(c) trade wastes disposal:

(d) land drainage and rivers clearance.

(2) A territorial authority may construct works on or under private land or under a building on private land that it considers necessary for sewage and stormwater drainage.

(3) A local authority or a territorial authority, as the case may be, must not exercise the power in subsection (1) or subsection (2) unless it has—

(a) the prior written consent of the owner of the land to the construction of the work; or

(b) complied with the requirements of Schedule 12.

(4) A local authority may enter the land to inspect, alter, renew, repair, or clean any work constructed under this section or under the corresponding provision of a former Act.

(5) The power in subsection (4) must not be exercised without first giving reasonable notice of the intention to enter the land to the owner and occupier (if any).

(6) This section applies subject to the Public Works Act 1981 as to compensation for injurious affection to land.

Compare: 1974 No 66 s 708

Section 181(1)(a): substituted, on 7 July 2004, by section 18 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Powers of entry

182 Power of entry to check utility services

(1) An enforcement officer of a local authority may enter any land or building (but not a dwellinghouse) for the purpose of ascertaining whether—

(a) water supplied from any waterworks or water race to any land or building is being wasted or misused; or

(b) any drainage works on any land are being misused; or

(c) any appliance or equipment associated with a local authority utility service on the land is in a condition that makes it dangerous to life or property.

(2) The power under subsection (1) may only be exercised if the enforcement officer—

(a) believes on reasonable grounds that the circumstances in any of paragraph (a), paragraph (b), or paragraph (c) of that subsection exist; and

(b) the local authority gives reasonable notice to the occupier of the land or building of the intention to exercise the power.

(3) If an enforcement officer is refused entry or obstructed when exercising the power in subsection (1), the local authority may restrict the water supply to the land or building, as provided for in section 193.

Compare: 1974 No 66 s 709

Powers relating to owners and occupiers of land

[Repealed]

Heading: repealed, on 1 July 2018, by section 200 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

183 Removal of fire hazards

[Repealed]

Section 183: repealed, on 1 July 2018, by section 200 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

184 Rights and obligations if notice given under section 183(1)

[Repealed]

Section 184: repealed, on 1 July 2018, by section 200 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Default by owner or occupier

185 Occupier may act if owner of premises makes default

(1) If an owner of premises defaults in doing any work required by or under this Act, the occupier of the premises, with the approval of the local authority, may do the work.

(2) If the occupier of the premises does the work under subsection (1), or is compelled to do any work or pay any money that ought primarily to be done or paid by the owner of the premises,—

(a) the occupier is entitled to be paid by the owner for the work done or money paid; and

(b) the occupier may deduct the amount of the expense or the money paid from any rent due from the occupier to the owner.

Compare: 1974 No 66 s 672

186 Local authority may execute works if owner or occupier defaults

(1) This section applies if an owner or occupier of private premises is required to execute, provide, or do any works, materials, or things on, or in connection with, any premises or other matter, and—

(a) the owner or occupier, after notice requiring him or her to do so, defaults in commencing to comply within the time specified in the notice or, if no time is specified in the notice, within a reasonable time; or

(b) the work is certified in writing by an officer of the local authority to be urgent, and the contents of the certificate have been communicated to the owner or occupier, and the default is made for 24 hours after the time of the communication; and

(c) in either case, the owner or occupier does not proceed with the work with all reasonable expedition.

(2) The local authority may, if it thinks fit,—

(a) itself execute, provide, or do the works, materials, and things; and

(b) recover from the owner or occupier as a debt the cost of doing so.

(3) Money payable to the local authority under subsection (2) is recoverable from the owner or occupier, as the case may be, together with reasonable administration charges.

(4) However, the person primarily liable under subsection (3) is the owner or occupier in default, as the case may be.

(5) The local authority—

(a) may destroy, sell, or otherwise dispose of any materials resulting from doing any work under this section; and

(b) must apply the proceeds of sale towards payment of the amount payable under subsection (2) and pay the surplus (if any) to the owner.

(6) The exercise of powers under this section by the local authority does not relieve any person from any penalty for failing to comply with the requirements of a notice under this Act.

(7) Any work done or to be done by the local authority under this section is a public work for the purposes of the Public Works Act 1981.

Compare: 1974 No 66 s 676

Section 186(1)(b): amended, on 27 November 2010, by section 35(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 186(5)(b): amended, on 27 November 2010, by section 35(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Recovery of costs

187 Recovery of cost of works by local authority

If the default of a person in doing an act is an offence under this Act and the local authority or any officer of the local authority is authorised to do the act in default, the local authority may recover from the person in default the cost of doing the work, together with reasonable administrative and supervision charges.

Compare: 1974 No 66 s 677

188 Liability for payments in respect of private land

If, under this Act or any other enactment, money paid for expenses incurred by the local authority in relation to private land is a charge on the land, the omission to register the charge does not affect—

(a) the liability of the person who is liable to pay the amount; or

(b) the rights of the local authority under the charge as against the person.

Compare: 1974 No 66 s 678

Compulsory acquisition of land

189 Power to acquire land

(1) A local authority may purchase, or take in the manner provided in the Public Works Act 1981, any land or interest in land, whether within or outside its district, that may be necessary or convenient for the purposes of, or in connection with, any public work that the local authority was empowered to undertake, construct, or provide immediately before 1 July 2003.

(2) All land taken, purchased, or acquired under the Public Works Act 1981 is vested in the local authority for the purpose for which it was acquired and is subject to the provisions of that Act as to a change of the purpose or its disposal.

Compare: 1974 No 66 s 247F

190 Compensation payable by local authority for land taken or injuriously affected

(1) This section applies to a person having an estate or interest in land—

(a) taken under the authority of this Act for any public work; or

(b) injuriously affected by any public work; or

(c) suffering any damage from the exercise of any of the powers given by this Act.

(2) A person is entitled to full compensation from the local authority for the matters referred to in subsection (1)(a), (b), or (c) to the extent provided in the Public Works Act 1981.

(3) The compensation may be claimed and must be determined in the manner provided by the Public Works Act 1981.

Compare: 1974 No 66 s 247G

Nuisance

191 Local authority not authorised to create nuisance

This subpart does not entitle a local authority—

(a) to create a nuisance; or

(b) to deprive the Crown or any person of any right or remedy the Crown or the person would otherwise have against the local authority or any other person in respect of any nuisance.

Compare: 1974 No 66 s 247H

Subpart 4—Powers in relation to water services and trade wastes

Water supply

192 Wastage of water

A person who is supplied with reticulated water by, or on behalf of, a local authority must not waste the water or allow it to be wasted.

Compare: 1974 No 66 s 382

193 Power to restrict water supply

(1) The water supply to a person's land or building may be restricted by a local government organisation in any manner it thinks fit if the person—

(a) commits an offence against this subpart; or

(b) fails or refuses to do anything required by this Part in respect of water, water pipes, waterworks, or water races; or

(ba) fails to comply with any bylaw of a local authority that relates—

(i) to water, water pipes, waterworks, water races, or water supply; and

(ii) to the person's land or building; or

(c) fails or refuses to do anything that he or she has undertaken or agreed to do in respect of the water supply to his or her land or building; or

(d) refuses entry to, or obstructs, an enforcement officer under section 182.

(2) Restriction of the water supply under subsection (1) must not create unsanitary conditions in, or associated with, the land or building.

(3) Restriction of the water supply under subsection (1) is subject to section 69S of the Health Act 1956.

Section 193(1)(ba): substituted, on 28 June 2006, by section 21 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 193(3): added, on 1 July 2008, by section 16 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

194 Power to stop water services

[Repealed]

Section 194: repealed, on 1 July 2008, by section 17 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

Discharge of sewage and trade wastes

195 Discharge of sewage

(1) The discharge of domestic sewage into a sewerage drain under the control of a local authority in accordance with the bylaws of the local authority, and the discharge of trade wastes into a sewerage drain in accordance with trade wastes bylaws, is not a breach of—

(a) this Act; or

(b) the Resource Management Act 1991 or regulations made under that Act; or

(c) the Building Act 2004 or regulations made under that Act.

(2) However, this section does not absolve a local authority from liability for the discharge, in contravention of this Part or of the Resource Management Act 1991, of a contaminant from a sewerage drain under the control of the local authority.

(3) The Minister of Health may, by notice in the *Gazette*, declare that a bylaw made by a local authority and specified in the notice is a trade wastes bylaw for the purposes of this section.

Compare: 1974 No 66 s 498

Section 195(1)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 195(1)(c): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 195(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

196 Discharge of trade wastes

(1) The occupier of trade premises within the district of a territorial authority may discharge into the sewerage drains under the control of the territorial authority trade wastes proceeding from those premises either—

(a) with the consent of the territorial authority; or

(b) without consent if, and to the extent that, the discharge is permitted by trade wastes bylaws.

(2) This section does not override any trade wastes bylaws, or the Resource Management Act 1991.

Compare: 1974 No 66 s 499

Section 196(2): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Subpart 5—Development contributions

197AA Purpose of development contributions

The purpose of the development contributions provisions in this Act is to enable territorial authorities to recover from those persons undertaking development a fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term.

Section 197AA: inserted, on 8 August 2014, by section 50 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

197AB Development contributions principles

(1) All persons exercising duties and functions under this subpart must take into account the following principles when preparing a development contributions policy under section 106 or requiring development contributions under section 198:

(a) development contributions should only be required if the effects or cumulative effects of developments will create or have created a requirement for the territorial authority to provide or to have provided new or additional assets or assets of increased capacity:

(b) development contributions should be determined in a manner that is generally consistent with the capacity life of the assets for which they are intended to be used and in a way that avoids over-recovery of costs allocated to development contribution funding:

(c) cost allocations used to establish development contributions should be determined according to, and be proportional to, the persons who will benefit from the assets to be provided (including the community as a whole) as well as those who create the need for those assets:

(d) development contributions must be used—

(i) for or towards the purpose of the activity or the group of activities for which the contributions were required; and

(ii) for the benefit of the district or the part of the district that is identified in the development contributions policy in which the development contributions were required:

(e) territorial authorities should make sufficient information available to demonstrate what development contributions are being used for and why they are being used:

(f) development contributions should be predictable and be consistent with the methodology and schedules of the territorial authority's development contributions policy under sections 106, 201, and 202:

(g) when calculating and requiring development contributions, territorial authorities may group together certain developments by geographic area or categories of land use, provided that—

(i) the grouping is done in a manner that balances practical and administrative efficiencies with considerations of fairness and equity; and

(ii) grouping by geographic area avoids grouping across an entire district wherever practical.

(2) In subsection (1)(a), **assets** includes eligible infrastructure that has been, or is intended to be, transferred by a responsible SPV to a responsible infrastructure authority under section 90 of the Infrastructure Funding and Financing Act 2020.

Section 197AB: inserted, on 8 August 2014, by section 50 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 197AB(2): inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

197 Interpretation

(1) In this subpart and Schedule 13,—

allotment has the meaning given to it in section 218(2) of the Resource Management Act 1991

capital expenditure includes any funding provided by a responsible levy authority to contribute to the construction costs of eligible infrastructure that has been, or is intended to be, transferred to the authority under section 90 of the Infrastructure Funding and Financing Act 2020

development means—

(a) any subdivision, building (as defined in section 8 of the Building Act 2004), land use, or work that generates a demand for reserves, network infrastructure, or community infrastructure; but

(b) does not include the pipes or lines of a network utility operator

methodology means the methodology for calculating development contributions set out in Schedule 13

network utility operator has the meaning given to it by section 166 of the Resource Management Act 1991.

(2) In this Act, unless the context otherwise requires,—

accommodation units means units, apartments, rooms in 1 or more buildings, or cabins or sites in camping grounds and holiday parks, for the purpose of providing overnight, temporary, or rental accommodation

community facilities means reserves, network infrastructure, or community infrastructure for which development contributions may be required in accordance with section 199

community infrastructure—

(a) means land, or development assets on land, owned or controlled by the territorial authority for the purpose of providing public amenities; and

(b) includes land that the territorial authority will acquire for that purpose

development agreement means a voluntary contractual agreement made under sections 207A to 207F between 1 or more developers and 1 or more territorial authorities for the provision, supply, or exchange of infrastructure, land, or money to provide network infrastructure, community infrastructure, or reserves in 1 or more districts or a part of a district

development contribution means a contribution—

(a) provided for in a development contribution policy of a territorial authority; and

(b) calculated in accordance with the methodology; and

(c) comprising—

(i) money; or

(ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or

(iii) both

development contribution objection means an objection lodged under clause 1 of Schedule 13A against a requirement to make a development contribution

development contribution policy means the policy on development contributions adopted under section 102(1)

development contributions commissioner means a person appointed under section 199F

network infrastructure means the provision of roads and other transport, water, wastewater, and stormwater collection and management

objector means a person who lodges a development contribution objection

resource consent has the meaning given to it in section 2(1) of the Resource Management Act 1991, and includes a change to a condition of a resource consent under section 127 of that Act

service connection means a physical connection to a service provided by, or on behalf of, a territorial authority.

Section 197(1): amended, on 28 June 2006, by section 22(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 197(1) **allotment**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 197(1) **capital expenditure**: inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

Section 197(1) **community facilities**: repealed, on 5 December 2012, by section 30(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 197(1) **community infrastructure**: repealed, on 5 December 2012, by section 30(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 197(1) **development** paragraph (a): amended, on 8 August 2014, by section 51(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 197(1) **development contribution**: repealed, on 5 December 2012, by section 30(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 197(1) **development contribution policy**: repealed, on 5 December 2012, by section 30(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 197(1) **network infrastructure**: repealed, on 5 December 2012, by section 30(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 197(1) **network utility operator**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 197(1) **service connection**: repealed, on 5 December 2012, by section 30(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 197(2): inserted, on 5 December 2012, by section 30(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 197(2) **accommodation units**: inserted, on 8 August 2014, by section 51(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 197(2) **community infrastructure**: replaced, on 14 May 2019, by section 11 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 197(2) **development agreement**: inserted, on 8 August 2014, by section 51(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 197(2) **development contribution objection**: inserted, on 8 August 2014, by section 51(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 197(2) **development contributions commissioner**: inserted, on 8 August 2014, by section 51(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 197(2) **objector**: inserted, on 8 August 2014, by section 51(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 197(2) **resource consent**: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Contributions may be required by territorial authorities

198 Power to require contributions for developments

(1) A territorial authority may require a development contribution to be made to the territorial authority when—

(a) a resource consent is granted under the Resource Management Act 1991 for a development within its district:

(b) a building consent is granted under the Building Act 2004 for building work situated in its district (whether by the territorial authority or a building consent authority):

(c) an authorisation for a service connection is granted.

(2) A territorial authority may only require the development contribution as provided for in a policy adopted under section 102(1) that is consistent with section 201.

(2A) For the purposes of subsection (2), a development contribution must be consistent with the content of the policy adopted under section 102(1) that was in force at the time that the application for a resource consent, building consent, or service connection was submitted, accompanied by all required information.

(3) A requirement for a development contribution under subsection (1)(a) or (1)(b) is not—

(a) a condition of a resource consent that gives rise to any right of objection or appeal; or

(b) as the case may be, a matter that gives rise to any right to apply to the chief executive for a determination under the Building Act 2004.

(4) Subsection (3) is for the avoidance of doubt.

(4A) If a development contribution policy provides for a development contribution under subsection (1)(b), the territorial authority may require that development contribution to be made when granting a certificate of acceptance under section 98 of the Building Act 2004 if a development contribution would have been required had a building consent been granted for the building work in respect of which the certificate is granted.

(4B) Subsection (4C) applies if Kāinga Ora–Homes and Communities is responsible for granting the consent, authorisation, or certificate referred to in subsection (1) or (4A).

(4C) Kāinga Ora–Homes and Communities may, as appropriate and by agreement with the local authority, exercise the power under the relevant subsection on the local authority's behalf.

(5) In this section,—

building consent authority means a person whose name is entered in the register referred to in section 273(1)(a) of the Building Act 2004

chief executive has the meaning given to it in section 7 of the Building Act 2004.

Section 198(1): substituted, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 198(1): amended, on 28 June 2006, by section 23(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 198(1)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 198(1)(b): amended, on 28 June 2006, by section 23(2) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 198(2): amended, on 8 August 2014, by section 52(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 198(2): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 198(2A): inserted, on 8 August 2014, by section 52(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 198(3): substituted, on 28 June 2006, by section 23(3) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 198(4): added, on 28 June 2006, by section 23(3) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 198(4A): inserted, on 8 August 2014, by section 52(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 198(4B): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Section 198(4C): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Section 198(5): added, on 28 June 2006, by section 23(3) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

198A Restrictions on power to require contributions for reserves

[Repealed]

Section 198A: repealed, on 14 May 2019, by section 12 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

199 Basis on which development contributions may be required

(1) Development contributions may be required in relation to developments if the effect of the developments is to require new or additional assets or assets of increased capacity and, as a consequence, the territorial authority incurs capital expenditure to provide appropriately for—

(a) reserves:

(b) network infrastructure:

(c) community infrastructure.

(2) This section does not prevent a territorial authority from requiring a development contribution that is to be used to pay, in full or in part, for capital

expenditure already incurred by the territorial authority in anticipation of development.

(3) In subsection (1), **effect** includes the cumulative effects that a development may have in combination with other developments.

Section 199(2): amended, on 8 August 2014, by section 54(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 199(3): amended, on 8 August 2014, by section 54(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199A Right to reconsideration of requirement for development contribution

(1) If a person is required by a territorial authority to make a development contribution under section 198, the person may request the territorial authority to reconsider the requirement if the person has grounds to believe that—

(a) the development contribution was incorrectly calculated or assessed under the territorial authority's development contributions policy; or

(b) the territorial authority incorrectly applied its development contributions policy; or

(c) the information used to assess the person's development against the development contributions policy, or the way the territorial authority has recorded or used it when requiring a development contribution, was incomplete or contained errors.

(2) A request for a reconsideration must be lodged and decided according to the procedure set out in a development contributions policy under section 202A(2).

(3) A request for a reconsideration must be made within 10 working days after the date on which the person lodging the request receives notice from the territorial authority of the level of development contribution that the territorial authority requires.

(4) A person may not apply for a reconsideration of a requirement if the person has already lodged an objection to that requirement under section 199C and Schedule 13A.

Section 199A: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199B Territorial authority to notify outcome of reconsideration

(1) The territorial authority must, within 15 working days after the date on which it receives all required relevant information relating to a request, give written notice of the outcome of its reconsideration to the person who made the request.

(2) A person who requested a reconsideration may object to the outcome of the reconsideration in accordance with section 199C.

Section 199B: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199C Right to object to assessed amount of development contribution

(1) A person may, on any ground set out in section 199D, object to the assessed amount of the development contribution that a territorial authority has required from the person under section 198, advised in—

(a) a notice given to the person for that purpose by the territorial authority; or

(b) if notice has not been given, such other formal advice of the requirement that the territorial authority has given to the person.

(2) The right of objection conferred by subsection (1) applies irrespective of whether a reconsideration of the requirement for a development contribution under section 199A has been requested.

(3) The right of objection conferred by this section does not apply to challenges to the content of a development contributions policy prepared in accordance with section 102.

Section 199C: inserted (with effect on 1 July 2014), on 7 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199D Scope of development contribution objections

An objection under section 199C may be made only on the ground that a territorial authority has—

(a) failed to properly take into account features of the objector's development that, on their own or cumulatively with those of other developments, would substantially reduce the impact of the development on requirements for community facilities in the territorial authority's district or parts of that district; or

(b) required a development contribution for community facilities not required by, or related to, the objector's development, whether on its own or cumulatively with other developments; or

(c) required a development contribution in breach of section 200; or

(d) incorrectly applied its development contributions policy to the objector's development.

Section 199D: inserted (with effect on 1 July 2014), on 7 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199E Procedure for development contribution objections

Schedule 13A applies in relation to objections under section 199C.

Section 199E: inserted (with effect on 1 July 2014), on 7 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199F Appointment and register of development contributions commissioners

(1) The Minister must appoint suitable persons as approved development contributions commissioners who are to decide development contribution objections.

(2) The Minister must compile and keep a register of approved development contributions commissioners.

(3) The Minister must ensure that the persons named in the register individually or collectively have—

(a) knowledge and experience in adjudication and mediation, including the conduct of hearings or inquiries; and

(b) knowledge, skills, and experience relevant to the subject matter likely to arise in an objection; and

(c) knowledge of tikanga Māori.

(4) The Minister may, by notice in the *Gazette*, specify additional criteria for the appointment of development contributions commissioners (being in addition to, but not inconsistent with, the criteria specified in subsection (3)).

(5) Before compiling the register or specifying additional appointment criteria, the Minister must consult persons that the Minister considers are representative of parties that are most likely to be participants in development contribution objections.

(6) The term of appointment for a development contributions commissioner on the register expires—

(a) 3 years after the date on which his or her appointment takes effect; or

(b) at the close of the term of his or her reappointment; or

(c) at the close of the extension of his or her term; or

(d) as soon after the completion of his or her term of appointment or reappointment as is necessary to enable him or her to complete any outstanding work, but not later than the notification of his or her final decision as a commissioner.

(7) The Minister must notify all appointments of approved development contributions commissioners in the *Gazette*.

Section 199F: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199G Removal of development contributions commissioners

The Minister may remove any development contributions commissioner from the register kept under section 199F, but only—

(a) because of the criminal activity or other misconduct of the commissioner; or

(b) if the commissioner is unable to perform the functions of office; or

(c) if the commissioner has neglected his or her duty.

Section 199G: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199H Who may decide development contribution objections

(1) Any person named in the register of approved development contributions commissioners and selected by a territorial authority in accordance with clause 3 of Schedule 13A to decide a development contribution objection may hear and decide the objection.

(2) A person who is not named in the register of approved development contributions commissioners may hear and decide a development contribution objection only if—

(a) the territorial authority is satisfied that—

(i) the objection relates to matters that require skills or knowledge that is not available from persons named in the register who are available to deal with the objection; and

(ii) another suitable person with such skills or knowledge is available to deal with the objection; and

(b) the Minister approves the territorial authority's selection of that other person to decide the objection.

(3) A person approved by the Minister under subsection (2)(b) must be treated as a development contributions commissioner for the period necessary to enable the person to decide the relevant objection.

Section 199H: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199I Development contribution objection hearings

(1) The applicable fees and allowances for a witness appearing at a development contribution objection hearing must be paid by the party on whose behalf the witness is called.

(2) Before or at the hearing, a development contributions commissioner may request the objector or territorial authority to provide further information.

(3) If information is requested before a hearing under subsection (2), the party required to provide the information must serve copies of it on the other parties to the objection.

(4) Only the territorial authority and the objector have a right to be heard at the hearing of an objection. The commissioners may, at their discretion, invite any other person or organisation to attend and be heard to the extent allowed by the commissioners.

(5) Part 2 of Schedule 13A sets out supplementary provisions that apply in relation to development contribution objection hearings.

Section 199I: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199J Consideration of development contribution objection

When considering a development contribution objection and any evidence provided in relation to that objection, development contributions commissioners must give due consideration to the following:

(a) the grounds on which the development contribution objection was made:

(b) the purpose and principles of development contributions under sections 197AA and 197AB:

(c) the provisions of the development contributions policy under which the development contribution that is the subject of the objection was, or is, required:

(d) the cumulative effects of the objector's development in combination with the other developments in a district or parts of a district, on the requirement to provide the community facilities that the development contribution is to be used for or toward:

(e) any other relevant factor associated with the relationship between the objector's development and the development contribution to which the objection relates.

Section 199J: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199K Additional powers of development contributions commissioners

(1) In addition to his or her powers under section 199I and Schedule 13A, a development contributions commissioner has, for the purposes of a development contribution objection hearing, the following powers:

(a) to direct the order of business at the hearing, including the order in which evidence is presented and parties heard:

(b) to direct that evidence presented at the hearing be taken as read or presented within a stated time limit:

(c) to direct that evidence be limited to the matters relevant to the dispute.

(2) Whether or not a hearing is held, a development contributions commissioner may direct that briefs of evidence be provided within a specified period ending not later than,—

(a) if a hearing is to be held, 10 working days before the hearing commences; or

(b) in any other case, 10 working days before the date on which the commissioner or commissioners intend to begin their consideration of the objection.

(3) A development contributions commissioner may waive or extend any period specified in this section or Schedule 13A (except the period specified in clause 1(1) of Schedule 13A) if satisfied that exceptional circumstances exist.

(4) A development contributions commissioner may, on his or her own initiative or on application from the objector or the territorial authority, make an order that prohibits the communication or publication of any information supplied to the commissioner, or obtained by the commissioner, in the course of deciding a development contribution objection, if satisfied that the order is necessary to avoid—

(a) serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu; or

(b) the disclosure of a trade secret or commercial information that, if released, would be prejudicial to the business or operations of any party to the objection.

Section 199K: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199L Liability of development contributions commissioners

A development contributions commissioner is not liable for anything the commissioner does, or omits to do, in good faith in performing or exercising the functions, duties, responsibilities, and powers of a development contributions commissioner under this Act or any other enactment.

Section 199L: inserted, on 8 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 199L: amended, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

199M Residual powers of territorial authority relating to development contribution objection decision

(1) This section applies to a decision of a development contributions commissioner.

(2) The territorial authority affected by the decision retains all the functions, duties, responsibilities, and powers of a territorial authority in relation to the requirement for the development contribution that is the subject of the decision as if the decision had been made by the territorial authority.

(3) Subsection (2) does not confer on a territorial authority the power to change, amend, or overturn a decision made by a development contributions commissioner.

(4) However, nothing in subsection (3) affects a territorial authority's right to apply for judicial review of a decision made by a development contributions commissioner.

Section 199M: inserted (with effect on 1 July 2014), on 7 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199N Objector's right to apply for judicial review unaffected

Nothing in this subpart affects the right of an objector to a development contribution to apply for judicial review of a decision made by a development contributions commissioner.

Section 199N: inserted (with effect on 1 July 2014), on 7 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199O Territorial authority to provide administrative support for development contributions commissioners

A territorial authority must supply all secretarial and administrative services necessary to enable development contributions commissioners to perform their functions under this Act.

Section 199O: inserted (with effect on 1 July 2014), on 7 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

199P Interim effect of development contribution objection

(1) If a development contribution objection is lodged, the territorial authority may still require the development contribution to be made, but must not use it until the objection has been determined.

(2) If a territorial authority does not require a development contribution to be made pending the determination of an objection, the territorial authority may withhold certificates or permissions in accordance with section 208 until the objection has been determined.

Section 199P: inserted (with effect on 1 July 2014), on 7 August 2014, by section 55 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Conditions relevant to requirement for contributions

200 Limitations applying to requirement for development contribution

(1) A territorial authority must not require a development contribution for a reserve, network infrastructure, or community infrastructure if, and to the extent that—

(a) it has, under section 108(2)(a) of the Resource Management Act 1991, imposed a condition on a resource consent in relation to the same development for the same purpose; or

(b) the developer will fund or otherwise provide for the same reserve, network infrastructure, or community infrastructure; or

(ba) the territorial authority has already required a development contribution for the same purpose in respect of the same building work, whether on the granting of a building consent or a certificate of acceptance; or

(c) a third party has funded or provided, or undertaken to fund or provide, the same reserve, network infrastructure, or community infrastructure.

(2) This subpart does not prevent a territorial authority from accepting from a person, with that person's agreement, additional contributions for reserves, network infrastructures, or community infrastructures.

(3) This section does not prevent a territorial authority from requiring a development contribution if—

(a) income from the following is being used or will be used to meet a proportion of the capital costs of the community facilities for which the development contribution will be used:

(i) rates:

(ii) fees and charges:

(iii) interest and dividends from investments:

(iv) borrowings:

(v) proceeds from asset sales; or

(vi) *[Repealed]*

(b) a person required to make the development contribution is also a ratepayer in the territorial authority's district or has paid or will pay fees or charges in respect of the facilities.

(4) Despite subsection (1)(ba), a territorial authority may require another development contribution to be made for the same purpose if the further development contribution is required to reflect an increase in the scale or intensity of the development since the original contribution was required.

(5) Subsection (6) applies if a territorial authority or a council-controlled organisation has entered a funding agreement with the New Zealand Transport Agency under which—

(a) a specified amount of additional financial assistance is to be provided from the national land transport fund to the territorial authority or the council-controlled organisation to fund a specified network infrastructure project; and

(b) that specified amount of additional financial assistance is to be offset by reduced funding for 1 or more other projects or programmes.

(6) If this subsection applies, the specified amount of additional financial assistance must not be treated as third-party funding for the purposes of subsection (1)(c).

(7) Subsection (8) applies if a funding agreement referred to in subsection (5)—

(a) provides for some or all of the specified amount of additional financial assistance to be offset by the provision of a reduced amount of financial assistance for 1 or more other network infrastructure projects; and

(b) specifies the amount of financial assistance for each other network infrastructure project that would otherwise have been provided.

(8) If this subsection applies, to the extent that a network infrastructure project receives a reduced amount of financial assistance, subsection (1)(c) applies as if the amount of financial assistance provided for that project were the amount that would otherwise have been provided, and not the reduced amount.

(9) In this section, **additional financial assistance** means an amount of financial assistance for a network infrastructure project that is greater than the amount (if any) that would otherwise be provided from the national land transport fund in respect of that project.

(10) Subsections (5) to (9) prevail over subsection (1)(c).

Section 200(1)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 200(1)(ba): inserted, on 8 August 2014, by section 56(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 200(1)(c): replaced, on 8 August 2014, by section 56(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 200(3): inserted, on 8 August 2014, by section 56(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 200(3)(a)(v): amended, on 27 June 2018, by section 10(3) of the Land Transport Management (Regional Fuel Tax) Amendment Act 2018 (2018 No 15).

Section 200(3)(a)(vi): repealed, on 1 July 2024, by section 11 of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

Section 200(4): inserted, on 8 August 2014, by section 56(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 200(5): inserted, on 14 May 2019, by section 13 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 200(6): inserted, on 14 May 2019, by section 13 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 200(7): inserted, on 14 May 2019, by section 13 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 200(8): inserted, on 14 May 2019, by section 13 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 200(9): inserted, on 14 May 2019, by section 13 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Section 200(10): inserted, on 14 May 2019, by section 13 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Development contributions policy

201 Contents of development contributions policy

(1) If a territorial authority has determined to seek funding for community facilities under this subpart, the policy required by section 102(1) must include, in summary form, in addition to the matters set out in section 106,—

(a) an explanation of, and justification for, the way each development contribution in the schedule required by subsection (2) is calculated; and

(b) the significant assumptions underlying the calculation of the schedule of development contributions, including an estimate of the potential effects, if there is a significant level of uncertainty as to the scope and nature of the effects; and

(c) the conditions and criteria (if any) that will apply in relation to the remission, postponement, or refund of development contributions, or the return of land; and

(d) the basis on which the value of additional allotments or land is assessed for the purposes of section 203(1).

(2) A development contributions policy must contain a schedule in accordance with section 202.

Section 201(1): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

201A Schedule of assets for which development contributions will be used

(1) If a territorial authority has determined to seek funding for community facilities under this subpart, the policy required by section 102 must include, in addition to the matters set out in sections 106 and 201, a schedule that lists—

(a) each new asset, additional asset, asset of increased capacity, or programme of works for which the development contributions requirements set out in the development contributions policy are intended to be used or have already been used; and

(b) the estimated capital cost of each asset described in paragraph (a); and

(c) the proportion of the capital cost that the territorial authority proposes to recover through development contributions; and

(d) the proportion of the capital cost that the territorial authority proposes to recover from other sources; and

(e) if the asset is eligible infrastructure that has been, or is intended to be, transferred by a responsible SPV to a responsible infrastructure authority under section 90 of the Infrastructure Funding and Financing Act 2020, the proportion of the capital cost to be funded by a levy under that Act and from other sources.

(2) For the purposes of subsection (1), assets for which development contributions are required can be grouped together into logical and appropriate groups of assets that reflect the intended or completed programmes of works or capacity expansion.

(3) A schedule under subsection (1) must also include assets for which capital expenditure has already been incurred by a territorial authority in anticipation of development.

(4) Information in the schedule under subsection (1) must group assets according to the district or parts of the district for which the development contribution is

required, and by the activity or group of activities for which the development contribution is required.

(5) A territorial authority may make changes to the schedule required by subsection (1) at any time without consultation or further formality, but only if—

(a) the change is being made to reflect a change of circumstances in relation to an asset that is listed in the schedule or is to be added to the schedule; and

(b) the change does not increase the total or overall development contribution that will be required to be made to the territorial authority.

(6) If the territorial authority is satisfied that the schedule or any part of it is too large or impractical to print in hard copy form, the territorial authority may—

(a) provide the schedule in a publicly accessible electronic format; and

(b) provide and maintain an electronic link from the development contributions policy to the schedule (if the policy is on the Internet) or state where a hard copy of the schedule can be found and inspected.

(7) Subject to sections 204, 205, and 206, a territorial authority may use a development contribution for or towards any assets other than those set out in the schedule required by subsection (1) as at the time the development contribution was required, if—

(a) the assets are for the same general function and purpose as those that were set out in the schedule required under subsection (1) as at the time the development contribution was required; and

(b) the schedule required by subsection (1) has been updated in accordance with subsection (5), or will be updated when the development contributions policy is next changed or reviewed, to identify the assets that the development contribution has been, or is intended to be, used for or towards.

Section 201A: inserted, on 8 August 2014, by section 57 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 201A(1)(e): inserted, on 7 August 2020, by section 161 of the Infrastructure Funding and Financing Act 2020 (2020 No 47).

202 Contents of section 201 schedule

(1) The schedule of development contributions required by section 201(2) must specify—

(a) the development contributions payable in each district, calculated, in each case, in accordance with the methodology in respect of—

(i) reserves; and

(ii) network infrastructure; and

(iii) community infrastructure; and

(b) the event that will give rise to a requirement for a development contribution under section 198, whether upon granting—

(i) a resource consent under the Resource Management Act 1991; or

(ii) a building consent under the Building Act 2004; or

(iii) an authorisation for a service connection.

(2) If different development contributions are payable in different parts of the district, subsection (1) applies in relation to the parts of the district.

(3) The specifications required under subsection (1) or subsection (2) must be given separately in relation to each activity or group of activities for which separate development contributions are required.

Section 202 heading: amended, on 8 August 2014, by section 58 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 202(1)(b)(i): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 202(1)(b)(ii): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

202A Reconsideration process to be in development contributions policy

(1) If a territorial authority has determined to seek funding for community facilities under this subpart, the policy required by section 102 must, in addition to the matters set out in sections 106 and 201 to 202, and subject to any regulations made under section 259(1)(e) or (f), set out the process for requesting reconsideration of a requirement under section 199A.

(2) The process for reconsideration must set out—

(a) how the request can be lodged with the territorial authority; and

(b) the steps in the process that the territorial authority will apply when reconsidering the requirement to make a development contribution.

Section 202A: inserted, on 8 August 2014, by section 59 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

203 Maximum development contributions not to be exceeded

(1) Development contributions for reserves must not exceed the greater of—

(a) 7.5% of the value of the additional allotments created by a subdivision; and

(b) the value equivalent of 20 square metres of land for each additional household unit or accommodation unit created by the development.

(2) Development contributions for network infrastructure or community infrastructure must not exceed the amount calculated by multiplying the cost of the relevant unit of demand calculated under clause 1 of Schedule 13 by the number of units of demand assessed for a development or type of development, as provided for in clause 2 of Schedule 13, and as amended for any Produc-

ers Price Index adjustment adopted in a development contributions policy in accordance with section 106(2B).

Section 203(1)(b): amended, on 8 August 2014, by section 60(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 203(2): amended, on 8 August 2014, by section 60(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Use of development contributions

204 Use of development contributions by territorial authority

(1) A development contribution—

(a) must be used for, or towards, the capital expenditure of the reserve, network infrastructure, or community infrastructure for which the contribution was required, which may also include the development of the reserve, network infrastructure, or community infrastructure; but

(b) must not be used for the maintenance of the reserve, network infrastructure, or community infrastructure.

(2) Subsection (1) is subject to section 205.

205 Use of development contributions for reserves

A territorial authority must use a development contribution received for reserves purposes for the purchase or development of reserves within its district, which may include—

(a) the development of community or recreational facilities associated with the use of a reserve:

(b) the provision or improvement of recreational facilities at a school established or about to be established under subpart 6 of Part 3 of the Education and Training Act 2020, if—

(i) a licence has been granted under section 6A of the Education Lands Act 1949 in relation to the use or occupation of the community recreational facilities; and

(ii) the Minister for Sport and Recreation has notified the local authority in writing that he or she is satisfied that the licence provides for the reasonable use of the community recreational facilities by members of the public:

(c) the purchase of land or an interest in land—

(i) to be held for conservation purposes under the Reserves Act 1977:

(ii) that is, or will be, subject to a conservation covenant under section 77 of the Reserves Act 1977:

(d) payment, on terms and conditions the territorial authority thinks fit, to—

(i) another local authority or public body in which land in the district is vested to enlarge, enhance, or develop the land for public recreation purposes:

(ii) the administering body of a reserve held under the Reserves Act 1977 to enlarge, enhance, or develop the reserve:

(iii) the trustees or body corporate in whom is vested a Māori reservation to which section 340 of Te Ture Whenua Maori Act 1993 applies, to enhance the reservation for cultural or other purposes:

(iv) any person, to secure an appropriate interest in perpetuity in land for conservation purposes.

Section 205(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 205(b)(i): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

206 Alternative uses of development contributions for reserves

Despite sections 197AB(d) and 205, if the territorial authority considers that the district in which the development is situated has adequate reserves, or that it is impracticable to purchase or develop reserves in that locality, it may, if it considers it will benefit the residents in the district in which the development is situated, use the development contributions—

(a) to add to, improve, or develop land outside the district that is vested in, or controlled by, the territorial authority for public recreation purposes:

(b) with the consent of the Minister and subject to the terms and conditions the Minister thinks fit, to make payments or advance money to a local authority or public body to add to, improve, or develop land outside the district that is vested in, or controlled by, the local authority or public body for public recreation purposes:

(c) if the territorial authority has control of the foreshore or the bed of a lake or a harbour under a coastal permit by virtue of section 384(1)(b) or section 425(3)(a) of the Resource Management Act 1991,—

(i) to improve or develop the foreshore (whether within or outside the district) for public recreational purposes:

(ii) to erect, improve, or develop for public recreational purposes—

(A) the bed of the harbour or of the sea immediately contiguous to the foreshore; or

(B) the bed of a lake (whether within or outside the district).

Section 206: amended, on 8 August 2014, by section 61 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

207 Power to use money collected and held under Local Government Act 1974 or Resource Management Act 1991

(1) This section applies to money collected—

(a) as contributions under Part 20 of the Local Government Act 1974:

(b) as contributions under sections 407 or 409 of the Resource Management Act 1991.

(2) If, at the commencement of this subpart, a territorial authority holds money to which this section applies, the territorial authority may, with the written approval of the Minister, use the money as if it had been collected in accordance with this subpart,—

(a) in the case of money collected under Part 20 of the Local Government Act 1974, in accordance with this subpart; and

(b) in the case of money collected under sections 407 or 409 of the Resource Management Act 1991, in accordance with the conditions imposed under those sections.

Development agreements

Heading: inserted, on 8 August 2014, by section 62 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

207A Request to enter development agreement

(1) A territorial authority may enter into a development agreement with a developer if—

(a) the developer has requested in writing that the territorial authority enter into a development agreement with the developer; or

(b) the territorial authority has requested in writing that the developer enter into a development agreement with the territorial authority.

(2) This section does not limit section 12.

Section 207A: inserted, on 8 August 2014, by section 62 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

207B Response to request for development agreement

(1) A territorial authority that receives a written request from a developer to enter into a development agreement must consider that request without unnecessary delay.

(2) The territorial authority may—

(a) accept the request in whole or in part subject to any amendments agreed to by the territorial authority and the developer; or

(b) decline the request.

(3) The territorial authority must provide the developer who made the request with a written notice of its decision and the reasons for its decision.

(4) A developer who receives a request from a territorial authority to enter into a development agreement may, in a written response to the territorial authority,—

(a) accept the request in whole or in part subject to any amendments agreed to by the territorial authority and the developer; or

(b) decline the request.

Section 207B: inserted, on 8 August 2014, by section 62 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

207C Content of development agreement

(1) A development agreement must be in writing and be signed by all parties that are to be bound by the agreement.

(2) A development agreement must include—

(a) the legal name of the territorial authority that will be bound by the agreement; and

(b) the legal name of the developer that will be bound by the agreement; and

(c) a description of the land to which the agreement will relate, including its legal description and, if applicable,—

(i) the street address of the land; and

(ii) other identifiers of the location of the land, its boundaries, and extent; and

(d) details of the infrastructure (if any) that each party to the agreement will provide or pay for.

(3) A development agreement may also include, without limitation, information relating to all or any of the following:

(a) a description of the development to which the agreement will relate:

(b) when infrastructure will be provided, including whether the infrastructure will be provided in stages:

(c) who will own, operate, and maintain the infrastructure being provided:

(d) the timing and arrangements of any vesting of infrastructure:

(e) the mechanism for the resolution of disputes under the agreement:

(f) the arrangements for, and timing of, any transfer of land between the territorial authority and the developer:

(g) the nature, amount, and timing of any monetary payments to be made between the parties to the agreement:

(h) the enforcement of the development agreement by a suitable means in the event of a breach, including, but not limited to,—

(i) a guarantee; or

(ii) a bond; or

(iii) a memorandum of encumbrance.

Section 207C: inserted, on 8 August 2014, by section 62 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

207D Effect of development agreement

(1) A development agreement is a legally enforceable contract.

(2) A development agreement has no force until all parties that will be bound by the agreement have signed it.

(3) A development agreement does not oblige a territorial authority or any other consent authority to—

(a) grant a resource consent under the Resource Management Act 1991; or

(b) issue a building consent under the Building Act 2004; or

(c) issue a code compliance certificate under the Building Act 2004; or

(d) grant a certificate under section 224 of the Resource Management Act 1991; or

(e) grant an authorisation for a service connection.

(4) A territorial authority or other consent authority must not refuse to grant or issue a consent, certificate, or authorisation (as the case may be) referred to in subsection (3) on the basis that a development agreement has not been entered into.

(5) If there is any conflict between the content of a development agreement and the application of a relevant development contributions policy in relation to that agreement, the content of the development agreement prevails.

Section 207D: inserted, on 8 August 2014, by section 62 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 207D(3)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 207D(3)(d): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

207E Restrictions on use of development agreement

(1) A development agreement must not require a developer to provide—

(a) infrastructure of a nature or type for which the developer would not otherwise have been required to make a development contribution; or

(b) infrastructure of a higher standard than that which would have been provided for if the developer had been required to make a development contribution; or

(c) infrastructure of a scale that would exceed the infrastructure that would otherwise have been provided for if the developer had been required to make a development contribution.

(2) However, a developer may agree to provide infrastructure of a nature or scale that is additional to, of greater capacity than, or of a different type to the infrastructure that would have been provided if the developer had been required to make a development contribution.

Section 207E: inserted, on 8 August 2014, by section 62 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

207F Amendment or termination of development agreement

(1) A development agreement may be amended at any time through mutual agreement of all parties who are signatories to the agreement.

(2) A development agreement terminates—

(a) on a date set out in the development agreement; or

(b) on the date on which all actions, undertakings, or obligations that were agreed to by each of the signatories to the agreement have been fulfilled; or

(c) on a date mutually agreed in writing by all parties that are signatories to the agreement.

Section 207F: inserted, on 8 August 2014, by section 62 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Powers to recover unpaid development contributions

208 Powers of territorial authority if development contributions not paid or made

(1) Until a development contribution required in relation to a development has been paid or made under section 198, a territorial authority may,—

(a) in the case of a development contribution required under section 198(1)(a),—

(i) withhold a certificate under section 224(c) of the Resource Management Act 1991:

(ii) prevent the commencement of a resource consent under the Resource Management Act 1991:

(b) in the case of a development contribution required under section 198(1)(b), withhold a code compliance certificate under section 95 of the Building Act 2004:

(ba) in the case of a development contribution required under section 198(4A), withhold a certificate of acceptance under section 99 of the Building Act 2004:

(c) in the case of a development contribution required under section 198(1)(c), withhold a service connection to the development:

(d) in each case, register the development contribution under subpart 5 of Part 3 of the Land Transfer Act 2017, as a charge on the title of the land in respect of which the development contribution was required.

(2) Subsection (3) applies if Kāinga Ora–Homes and Communities is responsible for granting the consent, authorisation, or certificate to which an action described in any of paragraphs (a) to (c) of subsection (1) relates.

(3) Kāinga Ora–Homes and Communities may, as appropriate and by agreement with the local authority, exercise the power under the relevant paragraph on the local authority's behalf.

Section 208(1)(a)(i): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 208(1)(a)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 208(1)(b): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 208(1)(ba): inserted, on 8 August 2014, by section 63 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 208(1)(d): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 208(2): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Section 208(3): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

Refund of development contributions

209 Refund of money and return of land if development does not proceed

(1) A territorial authority must refund or return to the consent holder or to his or her personal representative a development contribution paid or land set aside under this subpart if—

(a) the resource consent—

(i) lapses under section 125 of the Resource Management Act 1991; or

(ii) is surrendered under section 138 of that Act; or

(b) the building consent lapses under section 52 of the Building Act 2004; or

(c) the development or building in respect of which the resource consent or building consent was granted does not proceed; or

(d) the territorial authority does not provide the reserve, network infrastructure, or community infrastructure for which the development contribution was required.

(2) A territorial authority may retain any portion of a development contribution or land referred to in subsection (1) of a value equivalent to the costs incurred by the territorial authority in relation to the development or building and its discontinuance.

Section 209(1)(a)(i): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 209(1)(a)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 209(1)(b): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

210 Refund of money or return of land if not applied to specified reserve purposes

(1) If a development contribution has been required for a specified reserve purpose, a territorial authority must—

(a) refund money received for that purpose, if the money is not applied to that purpose within 10 years after the authority receives the money or other period specified in the development contribution policy; or

(b) return land acquired for the specified reserve purpose, if the authority does not use the land for that purpose within 10 years after the authority acquires the land or other period agreed by the territorial authority and the person who paid the development contribution.

(2) A territorial authority may retain part of the money or land referred to in subsection (1) of a value equivalent to the costs of the authority in refunding the money or returning the land.

211 Application of other Acts

This subpart is in addition to the Building Act 2004 and the Resource Management Act 1991.

Section 211: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 211: amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Subpart 6—Removal orders

212 Interpretation

In sections 215 to 221 and Schedule 14, unless the context otherwise requires,—

alter, in relation to a fence, structure, or vegetation, includes the removal of all or part of the fence, structure, or vegetation if that removal is associated with its rebuilding or re-erection or replanting in a form specified in the removal order

applicant means a territorial authority or constable who applies for a removal order under section 215

controlled drug has the meaning given to it by section 2(1) of the Misuse of Drugs Act 1975

court means the District Court; and includes a District Court Judge

crime involving dishonesty has the meaning given to it by section 2(1) of the Crimes Act 1961

plan has the meaning given to it by section 2(1) of the Resource Management Act 1991

proceeds means property that is derived or realised, directly or indirectly, by a person from the commission of a serious offence

proposed plan has the meaning given to it by section 2(1) of the Resource Management Act 1991

removal order or **order** means an order made under section 216 to remove or alter any fence, structure, or vegetation

respondent means the person against whom an application for a removal order has been made; and includes a person against whom a removal order is made

serious offence means an offence punishable by imprisonment for a term of 5 years or more

tainted property means—

(a) property used to commit, or to facilitate the commission of, a serious offence:

(b) proceeds

unauthorised weapon—

(a) means an article made or altered for use, or capable of being used, for causing bodily injury; and

(b) includes, in respect of an offence against the Arms Act 1983 or an imprisonable offence committed or about to be committed,—

(i) a firearm, airgun, pistol, prohibited firearm, prohibited magazine, restricted weapon, or explosive, as those terms are defined in the Arms Act 1983:

(ii) any ammunition.

Compare: 1974 No 66 s 692ZC

Section 212 **applicant**: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 212 **court**: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 212 **plan**: inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 212 **plan**: repealed, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

Section 212 **proposed plan**: inserted, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 212 **proposed plan**: repealed, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

Section 212 **unauthorised weapon** paragraph (b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 212 **unauthorised weapon** paragraph (b)(i): replaced, on 12 April 2019, by section 73 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Application of rules of court

213 Application of District Court Rules to removal orders

(1) Despite section 247, an application made under section 215 must be made in accordance with Subpart 4 of Part 20 of the District Court Rules 2014 and any rules made under subsection (2) or section 214.

(2) In addition to all the powers conferred by the District Court Act 2016, the Governor-General may, from time to time, by Order in Council, make rules under that Act—

(a) regulating the practice and procedure of the District Court in proceedings relating to an application for a removal order; and

(b) providing for the matters contemplated by, or necessary for giving full effect to, sections 215 to 221 and Schedule 14.

(3) Rules made under the District Court Act 2016 in accordance with this section are part of the District Court Rules 2014.

(4) In the absence of rules made under the District Court Act 2016 in accordance with this section, or in a situation not covered by such rules, the District Court Rules 2014 apply, with all necessary modifications, to proceedings relating to sections 215 to 221.

Compare: 1974 No 66 ss 692ZD(6), 692ZN

Section 213 heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 213(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 213(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 213(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 213(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

214 Scope of rules made under section 213

Without limiting section 213(2), rules made in accordance with that subsection under the District Court Act 2016 may—

(a) prescribe the procedure for serving a removal order, notice, and other documents for the purposes of sections 215 to 221 and Schedule 14 (including, without limitation, the circumstances in which service may be effected by leaving a copy of the order, notice, or document at the property to which the order relates):

(b) provide for substituted service, and for service to be dispensed with, in the circumstances that are specified in the rules:

(c) prescribe the circumstances and, if applicable, the manner in which persons entitled to object to a removal order may be served with a copy of notices of objection or other notices or documents in the proceedings:

(d) provide that Registrars may exercise specified powers of the court or a Judge:

(e) provide that proceedings may be stayed or dismissed, that an objection may be struck out, or that a party may not appear at the hearing of an objection to a removal order (whether not at all or only on the terms that the court considers appropriate)—

(i) if certain specified requirements of the rules are not complied with; or

(ii) unless certain specified requirements of the rules are complied with; or

(iii) if an order made under the rules is not complied with; or

(iv) unless an order made under the rules is complied with:

(f) prescribe the forms necessary for the purposes of sections 215 to 221 and Schedule 14:

(g) apply, with or without modification, provisions of the District Court Rules 2014.

Compare: 1974 No 66 s 692ZN(2)

Section 214: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 214(g): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Application for removal order

215 Application for removal order

(1) A territorial authority or constable may, without notice, apply to the District Court in the form prescribed in Subpart 4 of Part 20 of the District Court Rules 2014 for a removal order requiring an owner or occupier of any property to

remove or alter a fence, structure (whether or not forming part of a dwelling-house or other building), or vegetation.

(2) Schedule 14 applies to applications made under this section.

Compare: 1974 No 66 s 692ZD(1)

Section 215(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 215(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Making of removal orders

216 Circumstances when court may make removal order

The District Court may make a removal order if—

(a) the court is satisfied that the property is occupied, or regularly used, by persons who have been convicted of, or have committed, are committing, or are likely to commit, offences; and

(b) the fence, structure, or vegetation—

(i) has facilitated or contributed to, is facilitating or contributing to, or is intended to facilitate or contribute to—

(A) the concealment on the property of an unauthorised weapon, controlled drug, tainted property, or property that is stolen or obtained by a crime involving dishonesty; or

(B) the avoidance of detection or arrest of a person believed or reasonably suspected to have committed an offence; or

(C) the commission of an offence by a person on or from the property; or

(ii) is intended to injure a person; or

(iii) is such that the court is satisfied that it may reasonably be regarded as intimidating.

Compare: 1974 No 66 s 692ZD(2)

Section 216(b)(ii): amended, on 1 December 2009, by section 4 of the Local Government Amendment Act 2009 (2009 No 48).

Section 216(b)(iii): added, on 1 December 2009, by section 4 of the Local Government Amendment Act 2009 (2009 No 48).

Objection to making of removal order

217 Right of objection

(1) If the court makes a removal order under section 216, the persons listed in clause 3(a) of Schedule 14 may object to the order being made.

(2) A notice of objection lodged under subsection (1) operates as a stay of the removal order, pending the court's decision on the objection.

Compare: 1974 No 66 s 692ZG(1), (6)

218 Consideration of objections

(1) After considering any objection made under section 217(1) to a removal order, the court may—

(a) confirm the order; or

(b) confirm the order but vary all or any of its terms; or

(c) discharge the order.

(2) Without limiting the powers of the court, the court may strike out an objection made under section 217(1) if it is satisfied that the objection is frivolous or vexatious or an abuse of the procedure of the court.

Compare: 1974 No 66 ss 692ZH, 692ZI(1)

Right of appeal

219 Appeal to High Court final

If a party to proceedings under this subpart appeals to the High Court under Part 9 of the District Court Act 2016, the decision of the High Court on that appeal is final.

Compare: 1974 No 66 s 692ZJ

Section 219: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Compliance with removal order

220 Compliance with removal order

(1) If no notice of objection to a removal order is lodged under section 217(1), or if the court confirms an order under section 218(1) with or without variation, the respondent must—

(a) comply with a removal order within the period specified in the order; and

(b) unless the order directs otherwise, pay all the costs and expenses of complying with the order.

(2) If the respondent fails to comply with a removal order, the applicant, without further notice, and using the force that is reasonable in the circumstances, may—

(a) enter the place where the fence, structure, or vegetation is situated and any portion of the adjoining land if reasonably necessary and authorised by the court in the removal order; and

(b) remove or alter the fence, structure, or vegetation, or arrange for its removal or alteration in accordance with the terms of the removal order; and

(c) sell or otherwise dispose of structures or materials salvaged in complying with the order; and

(d) after allowing for any money received under paragraph (c), recover the costs and expenses incurred in carrying out the terms of the removal order as a debt from the respondent.

(3) Costs or expenses that remain unpaid under subsection (2)(d) may be registered under subpart 5 of Part 3 of the Land Transfer Act 2017 as a charge on a property in respect of which a removal order is made.

(4) Section 40 of the Building Act 2004 does not apply to the removal or alteration of a fence, structure, or vegetation in accordance with this section.

Compare: 1974 No 66 s 692ZK(1), (2), (3), (6)

Section 220(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 220(4): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

221 Limits to power of entry to enforce compliance

(1) If a respondent fails to comply with a removal order, and the applicant enforces compliance under section 220(2), the power conferred by that subsection to enter a place for that purpose is subject to the following conditions:

(a) entry upon the property must be made only by—

(i) a constable; or

(ii) if the order was made on the application of a territorial authority, an officer of that authority or a constable or both; and

(iii) any other person, whether a contractor, agent, or otherwise, authorised in writing by the constable or the territorial authority, as the case may be, and who is necessary to effect the alterations to, or removal of, the fence, structure, or vegetation, as required by the order; or

(b) entry must be made at reasonable times; and

(c) a person entering the property must carry evidence of his or her identity and authority to enter, and must produce that evidence to the owner or occupier, if present, on initial entry and subsequently if required to do so; and

(d) as soon as practicable after entry is made, the applicant must give notice in writing, in the prescribed form and manner, to the owner and to the occupier of the property of the entry and the reasons for it.

(2) Compensation or damages must not be awarded in civil proceedings brought against a person referred to in subsection (1)(a) for any act done in good faith by that person under section 220(2).

Compare: 1974 No 66 s 692ZK(3)–(5)

Section 221(1)(a)(i): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 221(1)(a)(ii): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 221(1)(a)(iii): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Application of certain other Acts

222 Provisions of Resource Management Act 1991 and Building Act 2004 continue to apply

Except as otherwise provided in this subpart or in Schedule 14, sections 215 to 221 and Schedule 14 apply in addition to, and not in derogation of, the provisions relating to the removal or alteration of fences, structures, or vegetation under this Act, the Resource Management Act 1991, and the Building Act 2004.

Section 222: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

223 Relationship with Fencing Act 1978

(1) If a fence, within the meaning of section 2 of the Fencing Act 1978, or vegetation or a structure that is, or forms part of, a fence, is altered in accordance with a removal order made under this subpart, it is presumed, unless a court orders otherwise under the Fencing Act 1978, to be an adequate fence within the meaning of that Act in respect of the part of the boundary of the property that it covers until the expiry of the period described in subsection (4).

(2) Until the expiry of the period described in subsection (4), if a fence, structure, or vegetation is removed under a removal order made under this subpart, the Fencing Act 1978 applies in respect of any boundary on the property affected by the removal as if section 9 of that Act required the occupier of the property in respect of which the order was made to pay the total cost of work on a fence.

(3) For the purposes of subsection (2), **occupier** has the meaning given to it by section 2 of the Fencing Act 1978.

(4) The period referred to in subsections (1) and (2) is the shorter period of—

(a) 3 years from the date of the removal order; or

(b) the period from the date of the removal order until the date on which the respondent ceases to occupy or, if the respondent was the owner of the property, ceases to own the property in respect of which the order was made.

(5) For the purposes of subsection (4), the date of the removal order is the date on which the order was made under section 216 or, if an objection was made under section 217(1), the date on which the order was confirmed or varied under section 218(1).

Compare: 1974 No 66 s 692ZM

Part 9
Offences, penalties, infringement offences, and legal proceedings

Subpart 1—Offences

Offences relating to water

224 Offence relating to water wastage

Every person who contravenes section 192 and continues to waste water or allow it to be wasted after receiving a written warning from the local authority commits an offence and is liable on conviction to the penalty set out in section 242(2).

Compare: 1974 No 66 s 382

Section 224: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

225 Offences relating to waterworks

(1) Every person commits an offence and is liable on conviction to the penalty set out in section 242(1) who, wilfully or negligently,—

(a) takes water from the supply provided to another person without having entered into an agreement to be supplied with water from a waterworks; or

(b) having been supplied with water from a waterworks,—

(i) supplies that water to another person who has not entered into an agreement to be supplied; or

(ii) permits that other person to take water supplied from a waterworks; or

(c) bathes or washes clothing or other things in, or throws an animal, refuse, litter, or debris into, the water of a waterworks; or

(d) carries out work on, or in relation to, a waterworks without first—

(i) notifying the local authority of the intention to carry out the work; and

(ii) obtaining written authorisation from the local authority, with terms or conditions the local authority thinks fit.

(e) *[Repealed]*

(2) It is not an offence under subsection (1) if the work referred to in subsection (1)(d)—

(a) is authorised by a valid consent granted under—

(i) the Building Act 2004, regulations made under that Act, or the Building Code; or

(ii) the Resource Management Act 1991 or regulations made under that Act; or

(b) was carried out in accordance with a valid building, plumbing, or drainage consent.

(3) It is a defence to an offence under subsection (1)(d) if the work—

(a) was necessary to avoid an emergency, or to mitigate or remedy the effects of an emergency; and

(b) was carried out by a person appropriately registered to undertake the work.

Section 225 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 225(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 225(1)(d)(ii): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 225(1)(e): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 225(2): amended, on 31 August 2023, by section 46 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 225(2)(a)(i): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 225(2)(a)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 225(3): amended, on 31 August 2023, by section 46 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

226 Liability for cost of damage

A person who commits an offence under section 225 may, in addition to, or instead of, the penalty for the offence, be ordered to pay the cost incurred by the council in repairing the damage done to the waterworks by the offence.

Compare: 1974 No 66 s 395

Section 226: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Offences relating to water meters

227 Offences relating to water meters

Every person commits an offence and is liable on conviction to the penalty set out in section 242(1) who, without the prior written authorisation of the local authority,—

(a) alters the index of, or in any other manner tampers with, a water meter being used in association with the water services of a local government organisation; or

(b) alters the position of such a water meter.

Compare: 1974 No 66 s 396

Section 227: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Offences relating to water races and private drains

228 Offences relating to water races

Every person commits an offence and is liable on conviction to the penalty specified in section 242(1) who—

(a) commits a nuisance in or near a water race; or

(b) without being authorised to be supplied with water from a water race, takes water from the supply provided to another person; or

(c) is supplied with water from a water race and—

(i) supplies that water to another person who is not authorised to be supplied with water from a water race; or

(ii) permits another person who is not authorised to be supplied with water from a water race to take water from the water race; or

(d) bathes or washes clothing or other things in, or throws an animal, refuse, litter, or debris into, a water race; or

(e) takes machinery through or across a water race, except at an appointed crossing place; or

(f) obstructs by any means the flow of water in a water race; or

(g) permits vegetation or other matter to grow or spread from land that person occupies—

(i) into, on, or over a water race; or

(ii) into, on, or over land reserved or used for a water race; or

(iii) into, on, or over land where the vegetation or other matter is likely to obstruct the flow of water in a water race; or

(h) directly or indirectly pollutes or causes to be polluted the water in a water race or in a watercourse used for supplying water to a water race in a manner that—

(i) is offensive; or

(ii) makes the water a danger to human health; or

(i) allows livestock that the person owns or controls to trespass on to—

(i) a water race; or

(ii) a watercourse used for supplying water to a water race; or

(j) carries out work on, or in relation to, a water race or structure, apparatus, or other thing—

(i) connected with a water race; or

(ii) used in supplying water to, or to distribute water from, a water race, without first—

(A) notifying the local authority of the intention to carry out the work; and

(B) obtaining written authorisation from the local authority, with terms or conditions the local authority thinks fit.

Compare: 1974 No 66 ss 436, 437, 438

Section 228: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 228(b): substituted, on 7 July 2004, by section 20 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 228(c): substituted, on 7 July 2004, by section 20 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Offence relating to obstruction of enforcement officers and others

229 Obstruction of enforcement officers or agents of local authority

Every person commits an offence and is liable on conviction to the penalty specified in section 242(2) who intentionally—

(a) prevents the following persons from carrying out their statutory functions or duties:

(i) an enforcement officer; or

(ii) *[Repealed]*

(iii) a person authorised or employed to carry out the provisions of this Act; or

(b) obstructs or impedes a person—

(i) from carrying out the provisions of this Act; or

(ii) from exercising or attempting to exercise a power of entry conferred by this Act; or

(c) refuses to give information when directed to do so by an enforcement officer under section 178, or knowingly misstates information; or

(d) incites any other person to do any act referred to in paragraph (a) or paragraph (b) or paragraph (c).

Compare: 1974 No 66 s 693(1)

Section 229: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 229(a)(ii): repealed, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 229(a)(iii): amended, on 27 November 2010, by section 36 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Offences by occupiers or owners

230 Offences by occupiers

(1) Every occupier of premises commits an offence and is liable on conviction to the penalty specified in section 242(2) who—

(a) refuses or wilfully omits to disclose or wilfully misstates the name or address of the owner of the premises when requested to do so by an officer of the local authority or by a person acting under the authority of the local authority for the purpose of giving effect to the provisions of this Act or of any other enactment in relation to the premises; or

(b) refuses or neglects to allow the owner of the premises to give effect to the provisions of this Act or of any other enactment in respect of the premises.

(2) The owner is not liable to a fine for a default for which he or she might otherwise be liable if he or she proves that the default was due to the refusal or neglect of the occupier.

Compare: 1974 No 66 s 671

Section 230(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

231 Offences in relation to notices sent to occupiers or owners

Every person who fails to comply with a notice referred to in section 184(1) commits an offence and is liable on conviction to the penalty set out in section 242(2).

Section 231: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Offences relating to property damage

232 Damage to local authority works or property

(1) This section applies in relation to the following works or property that are vested in, or under the control of, the local authority:

(a) a protective work; or

(b) a waterwork; or

(c) a water race; or

(d) a drainage work; or

(e) anything forming part of, or connected with, any works or property not referred to in paragraphs (a) to (d).

(2) Every person commits an offence who wilfully or maliciously destroys, damages, stops, obstructs, or interferes with the works or property referred to in subsection (1) and is liable on conviction to the penalty set out in section 242(3).

(3) Every person commits an offence who negligently destroys, damages, stops, obstructs, or interferes with the works or property referred to in subsection (1) and is liable on conviction to the penalty set out in section 242(1).

Compare: 1974 No 66 s 694

Section 232(1)(d): substituted, on 28 June 2006, by section 24 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 232(1)(e): added, on 28 June 2006, by section 24 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 232(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 232(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Miscellaneous offences

233 Offence relating to advertising

Every person who wilfully contravenes clause 32 of Schedule 3 (which relates to the authorisation of advertising) commits an offence and is liable on conviction to the penalty specified in section 242(2).

Compare: 1974 No 66 s 37ZZZIF(2)

Section 233: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

234 Unauthorised use of coat of arms

Every person commits an offence and is liable on conviction to the penalty specified in section 242(2) who, without prior written authority of the relevant local authority,—

(a) for the purposes of sale, applies or permits to be applied to an article the coat of arms of the local authority or an imitation of that coat of arms; or

(b) sells or offers the article for sale, or permits it to be sold or offered for sale, knowing that the coat of arms or an imitation of it has been applied to the article.

Compare: 1974 No 66 s 696

Section 234: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Offences committed by members and officers of local authorities

235 Offences by members of local authorities and local boards

(1) Every person who contravenes section 54C or 54D(1) or (2) or clause 1(3), clause 2(6), or clause 14(1) of Schedule 7 commits an offence and is liable on conviction to the penalty set out in section 242(2).

(2) Fines recovered by the Secretary in proceedings instituted under section 54C or 54D(1) or (2) or clause 1(3), clause 2(6), or clause 14(1) of Schedule 7 must be paid into a Crown Bank Account.

(3) Despite subsection (1), a person does not commit an offence if the person contravenes clause 1(3) of Schedule 7 while detained in a hospital under the Mental Health (Compulsory Assessment Treatment) Act 1992.

Compare: 1974 No 66 ss 101X(3), 101Y(6), 101Z(2), 114U(3)

Section 235 heading: amended, on 8 August 2014, by section 64 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 235(1): amended, on 20 November 2022, by section 6(1) of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

Section 235(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 235(2): amended, on 20 November 2022, by section 6(2) of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

Section 235(2): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

236 Penalty for acting without warrant

Every person commits an offence and is liable on conviction to the penalty set out in section 242(2) who—

(a) does not have a warrant of the kind referred to in section 174, but represents himself or herself to be the holder of a warrant under that section; or

(b) acts under a warrant after the termination, as the case may be, of—

(i) his or her appointment as an officer of the local authority; or

(ii) his or her authority to act on behalf of the local authority.

Compare: 1974 No 66 s 711

Section 236: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Offences committed by members and officers of Remuneration Authority

237 Offence by member or officer of Remuneration Authority

Every person who wilfully contravenes clause 11(2) of Schedule 7—

(a) commits an offence; and

(b) is liable on conviction to the penalty set out in section 242(2).

Section 237(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Offences against Act

238 Offence of failing to comply with Act

(1) Every person who acts contrary to, or fails to comply with, a direction or prohibition given under this Act, or under an authority given to a local authority or to a member or officer of a local authority, commits an offence and is liable on conviction to the penalty specified in section 242(2).

(2) An offence or penalty prescribed by this Act, or by regulations or bylaws made under this Act, must not be treated as repealing or otherwise affecting the provisions of any other Act under which the same act or default is also prescribed as an offence or for which a penalty is prescribed.

(3) A person to whom subsections (1) and (2) apply may be proceeded against—

(a) under this Act, or the bylaw or regulation made under this Act; or

(b) under any other Act; but

(c) must not be punished both under this Act, or under any bylaw or regulation made under this Act, and also under any other Act in respect of the same act or failure.

(4) In this section **direction** includes a request by a constable under section 169(2)(d).

Compare: 1974 No 66 s 697

Section 238(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 238(4): added, on 7 July 2004, by section 21 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 238(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Offences against bylaws

239 Offences in respect of breaches of bylaws (other than alcohol bans)

Every person commits an offence and is liable on conviction to the penalty set out in section 242(4) or (5) (as the case may be), who breaches a bylaw made under Part 8 (other than a bylaw made under section 147).

Section 239: replaced, on 18 December 2013, by section 6 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

239A Breaches of alcohol bans

(1) Section 21 of the Summary Proceedings Act 1957 applies to a breach of a bylaw made under section 147 as if—

(a) the breach were an infringement offence within the meaning of that Act; and

(b) the person who has committed the breach has committed the offence; and

(c) the references in subsection (9) of that section to a defendant's being found guilty of, or pleading guilty to, an infringement offence for which an infringement notice has been issued were references to the person's being found to have committed, or admitting to having committed, the breach;—

and Part 3 and section 208 of that Act apply accordingly.

(2) Proceedings in respect of a breach of a bylaw made under section 147 cannot be commenced by filing a charging document under section 14 of the Criminal Procedure Act 2011.

(3) Subsection (2) overrides subsection (1) and section 21(1)(a) of the Summary Proceedings Act 1957.

Section 239A: inserted, on 18 December 2013, by section 6 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

Defences

240 Defence to offences under this Act

It is a defence to any offence under this Act or under bylaws made under this Act if the court is satisfied—

(a) that—

(i) the act giving rise to the offence was necessary—

(A) to save or protect life or health or prevent injury; or

(B) to prevent serious damage to property; or

(C) to avoid actual or likely damage to the environment; and

(ii) the conduct of the defendant was reasonable in the circumstances; and

(iii) the effects of the act or omission were adequately remedied or mitigated by the defendant after the offence occurred; or

(b) the act or omission giving rise to the offence was due to an action or event beyond the control of the defendant, and, in each case,—

(i) the action or event could not reasonably have been foreseen or prevented by the defendant; and

(ii) the effects of the act or omission of the defendant were adequately remedied or mitigated by the defendant after the offence occurred.

Time for filing charging document

Heading: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

241 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, a local authority may file a charging document in respect of an offence against this Act within 6 months after the time when the matter giving rise to the charge first became known, or should have become known, to the local authority.

Section 241: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Subpart 2—Penalties

242 Penalties for offences

(1) A person who is convicted of an offence under section 225, section 227, section 228, or section 232(3), is liable to a fine not exceeding $20,000.

(2) A person who is convicted of an offence under section 224, sections 229 to 231, or sections 233 to 238 is liable to a fine not exceeding $5,000.

(3) A person who is convicted of an offence under section 232(2) is liable to imprisonment for a term not exceeding 3 years or to a fine not exceeding $20,000 or both.

(4) A person who is convicted of an offence against a bylaw made under Part 8 (other than a bylaw made under Part 8 referred to in subsection (5)) is liable to a fine not exceeding $20,000.

(5) A person who is convicted of an offence against a bylaw made under section 146(a)(iii) (which relates to trade wastes) is liable to a fine not exceeding $200,000.

Compare: 1974 No 66 ss 683(1), 698

Section 242(1): amended, on 20 September 2007, by section 8(1) of the Local Government Act 2002 Amendment Act 2007 (2007 No 69).

Section 242(3): amended, on 20 September 2007, by section 8(2) of the Local Government Act 2002 Amendment Act 2007 (2007 No 69).

Subpart 3—Infringement offences

243 Interpretation

(1) In this subpart,—

alcohol ban means a bylaw made under section 147

enforcement officer, in relation to an alcohol ban, means a constable

infringement fee,—

(a) in relation to an infringement offence specified as such by regulations under section 259(a), means the amount prescribed by regulations under section 259(b) as the infringement fee for the offence; and

(b) in relation to a breach of an alcohol ban, means the amount prescribed by regulations under section 259(b) as the infringement fee for the breach

infringement offence—

(a) means an offence specified as such by regulations under section 259(a); and

(b) includes a breach of an alcohol ban.

(2) The definition in subsection (1) of **enforcement officer** overrides the definition of that term in section 5.

Section 243: replaced, on 18 December 2013, by section 7 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

244 Proceedings for infringement offences

(1) A person who is alleged to have committed an infringement offence specified as such by regulations under section 259(a) may either—

(a) be proceeded against under the Criminal Procedure Act 2011; or

(b) be served with an infringement notice under section 245.

(2) A person who is alleged to have committed a breach of an alcohol ban—

(a) may be served with an infringement notice under section 245; and

(b) must not be proceeded against under the Criminal Procedure Act 2011.

Section 244: replaced, on 18 December 2013, by section 7 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

245 Issue of infringement notices

(1) An infringement notice may be served on a person if an enforcement officer—

(a) observes a person committing an infringement offence; or

(b) has reasonable cause to believe that an infringement offence is being or has been committed by that person.

(2) An infringement notice not relating to a breach of an alcohol ban may be served—

(a) by an enforcement officer (not necessarily the person who issued the notice) personally delivering it (or a copy of it) to the person alleged to have committed the infringement offence concerned; or

(b) by post addressed to that person's last known place of residence or business.

(2A) An infringement notice relating to a breach of an alcohol ban may be served—

(a) by a constable personally delivering it to the person alleged to have committed the breach; or

(b) by a constable personally delivering it, at a time after the person alleged to have committed the breach has been arrested for committing it, to the person; or

(c) by post addressed to the last known place of residence or business of the person alleged to have committed the breach.

(3) An infringement notice sent to a person under subsection (2)(b) must be treated as having been served on that person when it was posted.

(4) An infringement notice must be in the prescribed form and must contain the following particulars:

(a) details of the alleged infringement offence sufficient to inform fairly a person of the time, place, and nature of the alleged offence:

(b) the amount of the infringement fee specified for that offence:

(c) the time within which the infringement fee must be paid:

(d) the address of the place at which the infringement fee must be paid:

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:

(f) a statement that the person served with the notice has a right to request a hearing:

(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing:

(h) any other particulars that are prescribed.

(5) If an infringement notice has been issued under this section,—

(a) proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and

(b) the provisions of that section apply with all necessary modifications.

Compare: 1974 No 66 s 699C

Section 245(2): replaced, on 18 December 2013, by section 8 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

Section 245(2A): inserted, on 18 December 2013, by section 8 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

Section 245(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

245A Constables may require certain information

A constable who believes on reasonable grounds that a person is committing or has committed an infringement offence may direct the person to give the constable his or her name, address, and date of birth.

Section 245A: inserted, on 18 December 2013, by section 9 of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

246 Entitlement to infringement fees

A local authority may retain the infringement fee received by it for an infringement offence if the infringement notice was issued by an enforcement officer appointed by that local authority.

Compare: 1974 No 66 s 699D

Subpart 4—Legal proceedings

Procedure

247 Proceedings in District Court

An application and appeal to the District Court under this Act must be made in accordance with the rules of the District Court.

Compare: 1974 No 66 s 701(1)

Judges not disqualified

248 Judges not disqualified for being ratepayers

(1) In this section, **Judge** means a Judge of the High Court or District Court, a Justice, or a Community Magistrate.

(2) A Judge must not be treated as interested in a case in which he or she is acting judicially solely on the ground that he or she is a ratepayer or is normally resident in a district or region.

Compare: 1974 No 66 s 700

Representation

249 Representation of local authority in proceedings

(1) This section applies to proceedings involving a local authority—

(a) under the Local Government (Rating) Act 2002:

(b) under any enactment in relation to bankrupts:

(c) in all proceedings—

(i) in the District Court; or

(ii) before any Justice or Community Magistrate.

(2) In the proceedings referred to in subsection (1), the local authority may be represented by the following persons acting on behalf of the local authority:

(a) a member of the local authority appointed for the purpose by resolution of the local authority; or

(b) any officer of the local authority or other person appointed in writing by the mayor or chairperson of the local authority, as the case may be, or the chief executive of the local authority.

(3) A member of the local authority, and any officer or other person acting on behalf of the local authority, must be reimbursed by the local authority for any damages, costs, charges, and expenses incurred by the member or person acting under subsection (2).

Compare: 1974 No 66 s 701(2), (3)

Section 249(1)(c)(i): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Service

250 Service of legal proceedings on local authority

A document in legal proceedings that must be served on a local authority may be served by being left at the principal public office of the local authority or given personally to the mayor, chairperson, or chief executive of the local authority.

Compare: 1974 No 66 s 702

Evidence

251 Evidence of ownership, vesting, or control

In legal proceedings commenced by, or on behalf of, a local authority to enforce a provision of this Act, or of a regulation or bylaw made under it,—

(a) the production of the rating information database (within the meaning of the Local Government (Rating) Act 2002) is evidence that a person entered as the ratepayer of any rating unit is the owner unless the contrary is proved; and

(b) an affidavit by the chief executive stating that specified works or property are vested in, or under the control of, the local authority is evidence of the matter unless the contrary is proved.

Compare: 1974 No 66 ss 703, 704

Recovery of debts

252 Recovery of debts

Money payable by a person to the local authority for works, material, or things provided or done by the local authority, and money payable by a person to the local authority as a development contribution, is recoverable by the local authority as a debt.

Compare: 1974 No 66 s 705

Section 252: amended, on 8 August 2014, by section 65 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Part 10
Powers of Minister to act in relation to local authorities

Part 10: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

253 Outline of Part

This Part confers powers on the Minister to—

(a) assist local authorities in certain situations; and

(b) intervene in the affairs of local authorities in certain situations.

Section 253: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

254 How this Part works

(1) This section is a guide to the overall scheme and effect of this Part. It does not affect the interpretation or application of the other provisions of this Part.

(2) Subpart 1 of this Part provides the Minister with a range of options in relation to a local authority that has a problem. The options are available only in relation to the local authority itself, and not to any entity that the local authority may control or have an interest in.

(3) The options vary according to the nature and scale of assistance or intervention required to address the problem.

(4) The options are not a hierarchy of actions that the Minister must employ sequentially in relation to a local authority.

(5) Accordingly, the Minister may exercise an option in relation to a local authority without having previously exercised 1 or more of the other options.

(6) Subpart 2 of this Part sets out general provisions applying to all the options the Minister may exercise under subpart 1.

(7) The provisions in subpart 2 of this Part are largely procedural in nature and cover matters including notification of the assistance or intervention, reporting requirements, and payment and protection for the individuals carrying out the assistance or intervention.

Section 254: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

255 Application of this Part

(1) The Minister may appoint a Ministerial body under subpart 1 of this Part only to a local authority and not to any entity that the local authority may control or have an interest in, for example, a council-controlled organisation, council-controlled trading organisation, council organisation, or other subsidiary of the local authority.

(2) However, the Minister may exercise the powers in this Part in relation to a local board and, for that purpose, this Part applies, with any necessary modifications, as if a local board were a local authority.

Section 255: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 255(2): inserted, on 8 August 2014, by section 66 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

256 Interpretation

In this Part,—

Commission means a commission appointed under section 258F

Ministerial appointee means a person appointed under subpart 1 of this Part as a Crown Manager or a Crown Observer, or as a member of a Crown Review Team or of a Commission

Ministerial body means a Crown Review Team, a Crown Observer, a Crown Manager, or a Commission appointed under subpart 1 of this Part

problem, in relation to a local authority,—

(a) means—

(i) a matter or circumstance relating to the management or governance of the local authority that detracts from, or is likely to detract from, its ability to give effect to the purpose of local government within its district or region; or

(ii) a significant or persistent failure by the local authority to perform 1 or more of its functions or duties under any enactment; or

(iii) the consequences of a state of emergency (within the meaning of section 4 of the Civil Defence Emergency Management Act 2002) affecting, or recently affecting, the local authority's district or region; and

(b) includes—

(i) a failure by the local authority to demonstrate prudent management of its revenues, expenses, assets, liabilities, investments, or general financial dealings; and

(ii) a potential problem within the meaning of paragraph (a)(i) or (ii); and

(iii) to avoid doubt, 2 or more problems within the meaning of paragraph (a) or subparagraph (i) or (ii) of this paragraph

public notice, in relation to notice given by the Minister,—

(a) means a notice published—

(i) in a newspaper circulating in the district or region of the local authority; and

(ii) on the Internet site of the department responsible for the administration of this Act; and

(b) includes any other notice that the Minister thinks desirable in the circumstances

significant, in relation to a problem of a local authority, means that the problem will have actual or probable adverse consequences for residents and ratepayers within the district or region of the local authority.

Section 256: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Subpart 1—Ministerial powers of assistance and intervention

Subpart 1: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Minister may require information from local authority

Heading: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

257 Minister may require information

(1) The Minister may, by notice in writing, require a local authority to provide to him or her information on the nature and extent of a problem and how the local authority is addressing or planning to address the problem if the Minister believes, on reasonable grounds, that—

(a) a problem relating to the local authority may exist; and

(b) the local authority—

(i) has not publicly acknowledged the nature and extent of the problem; or

(ii) may be unable or unwilling to effectively address the problem.

(2) The Minister may, by notice in writing, require a local authority to provide to him or her information on how the local authority is addressing or planning to address a problem—

(a) after the expiry of the term of a Ministerial body appointed to assist or intervene in relation to the problem; and

(b) for the purpose of the Minister assessing whether further action under this Part is required.

(3) A notice under this section must state—

(a) the problem; and

(b) the information required by the Minister; and

(c) the form in which the information is to be provided; and

(d) the date by which the information is to be provided.

(4) A local authority must respond to a notice received under this section—

(a) by the date stated in the notice; or

(b) by any other date to which the Minister has agreed.

(5) The Minister may require a local authority to provide information under this section—

(a) by instalments at specified dates:

(b) by instalments at specified intervals.

(6) The Minister may require a local authority to provide information under this section in relation to a problem on which information has already been requested and provided under the section.

Section 257: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Minister may appoint Crown Review Team

Heading: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258 Minister may appoint Crown Review Team

(1) The Minister may appoint a Crown Review Team to a local authority if—

(a) the local authority has received a notice from the Minister under section 257(1) and, for no good reason, has not provided the information required by the notice by the stated or agreed date; or

(b) the Minister believes, on reasonable grounds, that a significant problem relating to the local authority may exist and—

(i) the local authority is unable or unwilling to effectively address the problem; or

(ii) a Ministerial body currently or previously appointed to the local authority has recommended the appointment; or

(c) the Minister has received a written request from the local authority to do so.

(2) Before the review begins, the Minister must give notice of the appointment—

(a) to the local authority, in writing; and

(b) by notice in the *Gazette*; and

(c) by public notice.

(3) Each notice must comply with section 258S.

(4) A Crown Review Team must, to the extent authorised by its terms of reference,—

(a) investigate and report on the nature and extent of the problem; and

(b) make recommendations to the local authority and the Minister on how the local authority could address the problem; and

(c) make recommendations to the Minister on whether the Minister should take further action in relation to the local authority, including whether the Minister should appoint any other Ministerial body to the local authority; and

(d) ensure, as far as practicable, that the existing organisational capability of the local authority is not diminished.

(5) If applicable, and to the extent authorised by its terms of reference, a Crown Review Team must also investigate, and report on, any related matter as recommended by a Ministerial body currently or previously appointed to the local authority.

(6) A local authority must—

(a) co-operate with a Crown Review Team so that it may fulfil its terms of reference; and

(b) comply with any reasonable request of the Crown Review Team to provide any relevant information that the local authority holds.

(7) A Crown Review Team must produce a final report that complies with section 258U, as soon as practicable after a review is completed.

(8) This section is subject to section 258Q.

Section 258: replaced, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258A How Crown Review Team appointed

(1) A Crown Review Team comprises 1 or more members.

(2) If a Crown Review Team comprises 2 or more members, the Minister must appoint 1 member as the chairperson.

(3) The Minister must appoint each member of a Crown Review Team by notice in writing. The notice must include the following information:

(a) the terms of reference of the Crown Review Team, including—

(i) an outline of the problem in relation to which it has been appointed; and

(ii) the extent of its authority; and

(b) the start and end dates of the member's appointment; and

(c) the start and end dates of the review period.

Section 258A: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Minister may appoint Crown Observer

Heading: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258B Minister may appoint Crown Observer

(1) The Minister may appoint a Crown Observer to a local authority if—

(a) the Minister believes, on reasonable grounds, that a significant problem relating to the local authority exists and—

(i) the appointment of a Crown Observer is necessary to enable, or better enable, the local authority to effectively address the problem; or

(ii) the appointment of a Crown Observer is necessary to enable, or better enable, the Minister to monitor the local authority's progress in addressing the problem; or

(iii) a Ministerial body currently or previously appointed to the local authority has recommended the appointment; or

(b) the Minister has received a written request from the local authority to do so.

(2) Before the observation period begins, the Minister must give notice of the appointment—

(a) to the local authority, in writing; and

(b) by notice in the *Gazette*; and

(c) by public notice.

(3) Each notice must comply with section 258S.

(4) A Crown Observer must, to the extent authorised by his or her terms of reference,—

(a) assist the local authority to address the problem; and

(b) monitor the local authority's progress in relation to the problem; and

(c) make recommendations to the Minister on whether the Minister should take further action in relation to the local authority, including whether the Minister should appoint any other Ministerial body to the local authority; and

(d) ensure, as far as practicable, that the existing organisational capability of the local authority is not diminished.

(5) If applicable, and to the extent authorised by its terms of reference, a Crown Observer must also assist the local authority with, and monitor progress on, any related matter as recommended by a Ministerial body currently or previously appointed to the local authority.

(6) A local authority must—

(a) co-operate with a Crown Observer so that he or she may fulfil his or her terms of reference; and

(b) comply with any reasonable request of the Crown Observer to provide any relevant information that the local authority holds.

(7) A Crown Observer must produce a final report that complies with section 258U, as soon as practicable after an observation period ends.

(8) This section is subject to section 258Q.

Section 258B: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258C How Crown Observer appointed

The Minister must appoint a Crown Observer by notice in writing. The notice must include the following information:

(a) the terms of reference of the Crown Observer, including—

(i) an outline of the problem in relation to which the Crown Observer has been appointed; and

(ii) the extent of his or her authority; and

(b) the start and end dates of the appointment; and

(c) the start and end dates of the observation period.

Section 258C: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Minister may appoint Crown Manager

Heading: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258D Minister may appoint Crown Manager

(1) The Minister may appoint a Crown Manager to a local authority if—

(a) the Minister believes, on reasonable grounds, that a significant problem relating to the local authority exists, and—

(i) the nature or extent of the problem is such that the local authority is unlikely to effectively address the problem without the appointment of a Crown Manager; or

(ii) for no good reason, the local authority has not adequately implemented a recommendation of any other Ministerial body in relation to the problem; or

(iii) a Ministerial body currently or previously appointed to the local authority has recommended the appointment; or

(b) the Minister has received a written request from the local authority to do so.

(2) Before the management period begins, the Minister must give notice of the appointment—

(a) to the local authority, in writing; and

(b) by notice in the *Gazette*; and

(c) by public notice.

(3) Each notice must comply with section 258S.

(4) A Crown Manager must, to the extent authorised by his or her terms of reference,—

(a) direct the local authority to act to address the problem; and

(b) make recommendations to the Minister on whether the Minister should take further action in relation to the local authority, including whether the Minister should appoint any other Ministerial body to the local authority; and

(c) ensure, as far as practicable, that the existing organisational capability of the local authority is not diminished.

(5) If applicable, and to the extent authorised by its terms of reference, a Crown Manager must also direct the local authority on any related matter as recommended by a Ministerial body currently or previously appointed to the local authority.

(6) A local authority must—

(a) co-operate with a Crown Manager so that he or she may fulfil his or her terms of reference; and

(b) comply with the directions of a Crown Manager; and

(c) comply with any reasonable request of a Crown Manager to provide any relevant information that the local authority holds.

(7) A Crown Manager must produce a final report that complies with section 258U, as soon as practicable after a management period ends.

(8) This section is subject to section 258Q.

Section 258D: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258E How Crown Manager appointed

The Minister must appoint a Crown Manager by notice in writing. The notice must include the following information:

(a) the terms of reference of the Crown Manager, including—

(i) an outline of the problem in relation to which the Crown Manager has been appointed; and

(ii) the extent of his or her authority; and

(b) the start and end dates of the Crown Manager's appointment; and

(c) the start and end dates of the management period.

Section 258E: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Minister may appoint Commission

Heading: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258F Minister may appoint Commission

(1) The Minister may appoint a Commission to a local authority if—

(a) the Minister believes, on reasonable grounds, that—

(i) a significant problem relating to the local authority—

(A) is impairing, or likely to impair, the good local government of the local authority's district or region; or

(B) is endangering, or likely to endanger, the public health or safety of the people within the local authority's district or region; and

(ii) the local authority is unable or unwilling to effectively address the problem; and

(iii) the problem is such that appointing a Crown Review Team, a Crown Observer, or a Crown Manager to the local authority is unlikely to prevent the consequences described in subparagraph (i); or

(b) the local authority refuses or is unable to comply with a direction of a Crown Manager given under section 258D(4); or

(c) the Minister believes, on reasonable grounds, that a significant problem relating to the local authority exists and a Ministerial body currently or previously appointed to the local authority has recommended the appointment; or

(d) the Minister has received a written request from the local authority to do so.

(2) Before the Commission begins its term, the Minister must give notice of the Commission's appointment—

(a) to the local authority, in writing; and

(b) by notice in the *Gazette*; and

(c) by public notice.

(3) Each notice must comply with section 258S.

(4) A Commission must perform the functions and duties and exercise the powers of the local authority, and its members, under this Act and any other enactment,—

(a) to the exclusion of the members of the local authority; but

(b) subject to—

(i) section 258H; and

(ii) any limits on its authority set out in the terms of reference.

(5) To avoid doubt, a Commission—

(a) must perform any functions or exercise any powers directly conferred on the mayor or chairperson, or any other member, of a local authority by or under any enactment; and

(b) may exercise all the powers of the local authority to set, assess, and collect rates and charges within the district or region and expend their proceeds; and

(c) may appoint members of the local authority to a committee or subcommittee established under Schedule 7 of this Act.

(6) A Commission must also, to the extent authorised by its terms of reference,—

(a) make recommendations to the Minister on whether the Minister should take further action in relation to the local authority, including whether the Minister should appoint any other Ministerial body to the local authority; and

(b) if applicable, implement the recommendations of a Ministerial body currently or previously appointed to the local authority.

(7) A Commission must ensure, as far as practicable, that the existing organisational capability of the local authority is not diminished.

(8) A Commission must produce a final report that complies with section 258U, as soon as practicable after the term of the Commission ends.

(9) This section is subject to section 258Q.

Section 258F: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258G How Commission appointed

(1) A Commission comprises 1 or more members.

(2) If a Commission comprises 2 or more members, the Minister must appoint 1 member as the chairperson.

(3) The Minister must appoint each member of a Commission by notice in writing. The notice must include the following information:

(a) the terms of reference of the Commission, including—

(i) an outline of the problem in relation to which it has been appointed; and

(ii) any limitations on the extent of its authority; and

(b) the start and end dates of the member's appointment; and

(c) the start and end dates of the Commission's term.

Section 258G: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258H Application of this and other enactments during Commission's term of appointment

(1) This section applies during the period in which a Commission is appointed to perform the functions and duties and exercise the powers of a local authority under section 258F.

(2) This Act and any other enactment applies, with any necessary modifications, as if the Commission were the governing body of the local authority and responsible for the decision-making of the local authority.

(3) Without limiting subsection (2), clauses 31, 32, and 32A of Schedule 7 apply as if the members of the Commission were elected members of the local authority.

(4) A document that is required to be executed under the seal of the local authority may be executed under the seal and verified by the signature of the chairperson of the Commission, or the Commission, if there is no chairperson.

(5) All acts done by the Commission in the purported exercise of the powers of the local authority under this or any other enactment, whether the powers have been expressly limited in the terms of reference or not, are, except in the case of fraud, as valid as if the Commission had not been appointed and the acts had been done by the local authority in the ordinary course of its business.

Section 258H: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258I Minister may postpone general election when appointing Commission

(1) The Minister may postpone the next triennial general election for members of a local authority—

(a) at the same time as appointing a Commission to a local authority under section 258F; or

(b) at any time during the period in which the Commission is performing the local authority's functions and duties and exercising its powers.

(2) Subsection (1) applies only if the term of the Commission extends more than 120 days beyond the date of that election as determined under section 10 of the Local Electoral Act 2001.

(3) If the Minister acts under subsection (1), he or she must—

(a) give public notice of the postponement; and

(b) before the term of the Commission ends,—

(i) call a general election of the local authority by notice in the *Gazette*; and

(ii) give public notice of the calling of the election.

(4) Each notice given under subsection (3)(b)—

(a) must specify the date on which the election is to be held, which must be no later than 7 days before the date on which the term of the Commission ends; and

(b) if section 258J applies, must include a statement setting out the effect of the Minister's decision under that section.

(5) The Local Electoral Act 2001 applies, with any necessary modifications, to the conduct of an election called by the Minister under this section as if the election were a triennial general election.

(6) Despite subsection (5), the electoral officer responsible for the election must give notice of the election under section 52 of the Local Electoral Act 2001—

(a) no later than 7 days after the Minister gives notice of the election under subsection (3)(b); and

(b) if section 258J applies, must include a statement in the notice setting out the effect of the Minister's decision under that section.

Section 258I: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258J Timing of election following postponed election

(1) This section applies if—

(a) the Minister postpones a triennial general election for members of a local authority under section 258I; and

(b) the date on which the postponed election is subsequently held is less than 3 years before the date of the next triennial general election for members of the local authority as determined under section 10 of the Local Electoral Act 2001 (the **next triennial election**).

(2) The Minister must decide whether the election for members of the local authority following the postponed election must be held on the date of—

(a) the next triennial election; or

(b) the next subsequent triennial general election as determined under section 10 of the Local Electoral Act 2001 (the **second triennial election**), in which case subsections (3) to (5) apply.

(3) A general election for members of the local authority must not be held on the date of the next triennial election. Instead, the next general election for members of the local authority must be held on the date of the second triennial election.

(4) A member of the local authority elected at the postponed election holds office until he or she vacates office, in accordance with section 116 of the Local Electoral Act 2001, for the second triennial election.

(5) Subsection (4) applies unless the member sooner vacates his or her office under clause 5 of Schedule 7 of this Act.

Section 258J: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258K Local authority members remain in office but must not act during term of Commission

(1) Subsection (2) applies to each member of a local authority, including the mayor or chairperson, from the date on which a Commission appointed to the local authority under section 258F begins its term.

(2) A member remains in office but must not act and is not entitled in that capacity to be paid any salary, allowances, or expenses under this Act or any other enactment, or to use any property of the local authority, until the earliest of the following events occurs:

(a) the Commission ends its term, in which case the member resumes full power to act:

(b) a triennial general election is held for the local authority under section 10 of the Local Electoral Act 2001, in which case the member vacates office in accordance with section 116 of that Act:

(c) a general election is held for the local authority under section 258I, in which case the member vacates office on the date that the member would have vacated office in accordance with section 116 of the Local Electoral Act 2001 had the triennial general election not been postponed:

(d) a general election is held for the local authority under section 258M, in which case the member vacates office in accordance with section 116 of the Local Electoral Act 2001:

(e) the member vacates his or her office in accordance with clause 5(1)(a), (b), (c), or (e) of Schedule 7.

(3) However, if a Commission appoints a member to a committee or subcommittee in accordance with Schedule 7, the person—

(a) may accept the appointment, in the capacity as a person who has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee; and

(b) is entitled to receive payment for holding office as a member of the committee or subcommittee in that capacity.

(4) In subsection (2), **act** means to exercise or purport to exercise a power, right, or entitlement, or perform or purport to perform a function or duty, conferred or imposed on the member in his or her capacity as a member of the local authority by this Act or any other enactment.

Section 258K: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258L Extraordinary vacancy when Commission appointed or during term of Commission

(1) This section applies if an extraordinary vacancy (within the meaning of clause 5 of Schedule 7)—

(a) exists at the time a Commission is appointed to a local authority; or

(b) is created during the term that a Commission is appointed to a local authority.

(2) The vacancy is not required to be filled, and any preparations made by any person towards filling the vacancy in accordance with sections 117 to 120 of the Local Electoral Act 2001 must be abandoned, if the Commission's term ends after the date of—

(a) a triennial general election for the local authority under section 10 of the Local Electoral Act 2001; or

(b) a general election for the local authority under section 258I or 258M.

(3) The vacancy must be filled in accordance with sections 117 to 120 of the Local Electoral Act 2001 in any other case except that if the vacancy occurs more than 90 days before the end of the term of the Commission, the vacancy must be treated as if it occurred on the 90th day before that date.

Section 258L: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Minister may call general election

Heading: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258M Minister may call general election

(1) The Minister may, by notice in the *Gazette*, call a general election of a local authority if the Minister believes, on reasonable grounds, that the membership of the local authority is such that the local authority is unable or unwilling to perform its functions and duties and exercise its powers or there is a significant or persistent failure by the local authority to do so in respect of 1 or more of those functions, duties, and powers.

(2) The notice must specify the date on which the election is to be held, which, to avoid doubt, may be a date that is earlier than the date of the next triennial general election for members of the local authority as determined under section 10 of the Local Electoral Act 2001.

(3) The Minister must—

(a) give the local authority a copy of the *Gazette* notice, as soon as practicable after its publication; and

(b) give public notice of the calling of the election and the date on which the election is to be held.

(4) The Local Electoral Act 2001 applies, with any necessary modifications, to the conduct of an election called by the Minister under this section, as if the election were a triennial general election.

(5) Despite subsection (4), the electoral officer responsible for the election must give notice of the election under section 52 of the Local Electoral Act 2001 no later than 7 days after the Minister gives notice of the election under subsection (1).

Section 258M: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Subpart 2—General provisions applying to Ministerial powers conferred under subpart 1

Subpart 2: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258N Minister may consult any person

(1) The Minister may, but is not obliged to, consult any person, organisation, or group—

(a) when determining what action, if any, to take under subpart 1 of this Part:

(b) when appointing a Ministerial body under subpart 1 of this Part:

(c) when formulating the terms of reference for a Ministerial body.

(2) The Minister may, but is not obliged to, consult any person, organisation, or group—

(a) when postponing a general election under section 258I; or

(b) when calling a general election under section 258M.

Section 258N: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258O Minister must publish list in *Gazette*

(1) The Minister must publish in the *Gazette*, and on the Internet site of the department responsible for the administration of this Act, a list of matters relevant to determining what action, if any, to take under subpart 1 of this Part.

(2) Without limiting subsection (1), the list must include the following matters:

(a) guiding principles that the Minister is likely to adopt when making decisions under this Part:

(b) matters or circumstances relating to the management or governance of local authorities that the Minister considers are likely to detract from the ability of local authorities to give effect to the purpose of local government within their districts and regions:

(c) the types and sources of information that the Minister is likely to consider when making decisions under this Part.

(3) The Minister must review the list no later than 5 years after the date on which the list is published and, subsequently, at intervals of no more than 5 years after the most recent review.

(4) The list must be republished after each review.

(5) Before publishing or republishing a list, the Minister must consult Local Government New Zealand and may, but is not obliged to, consult any other person, organisation, or group.

(6) The first list must be published no later than 31 March 2013.

Section 258O: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258P Minister must have regard to published list

(1) The Minister, when determining what action, if any, to take under subpart 1 of this Part, must have regard to the list published under section 258O.

(2) To avoid doubt, the Minister may act under subpart 1 of this Part and appoint a Ministerial body to a local authority even if the problem in relation to the local authority does not relate to a matter featured in the list.

Section 258P: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258Q Notice to local authority of proposed appointment of Ministerial body

(1) Before appointing a Ministerial body, the Minister must—

(a) give the local authority concerned written notice that he or she intends to make the appointment; and

(b) state in the notice the reasons for the proposed appointment and the proposed terms of reference; and

(c) give the local authority an opportunity to satisfy the Minister of the following matters, as applicable, by a date specified in the notice, being no earlier than 10 working days after the date on which notice is given to the local authority:

(i) the reasons for making the appointment do not exist:

(ii) the local authority is acting effectively to address the problem:

(iii) for any other reason, the appointment should not be made:

(iv) a different Ministerial body should be appointed.

(2) The Minister must—

(a) notify the local authority, in writing, if he or she decides not to appoint a Ministerial body; or

(b) act under section 258(2), 258B(2), 258D(2), or 258F(2) in any other case.

(3) This section does not apply if—

(a) the local authority has requested the Minister to make the appointment; or

(b) the problem in relation to which the Minister intends to make the appointment relates to the consequences of a state of emergency and the Minister believes, on reasonable grounds, that the public health or safety of the people within the local authority's district or region is, or is likely to be, endangered.

Section 258Q: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258R Notice to local authority of proposed general election

(1) Before calling a general election under section 258M, the Minister must—

(a) give the local authority concerned written notice that he or she intends to call the election; and

(b) state in the notice the reasons for the proposed election in terms of section 258M(1); and

(c) give the local authority an opportunity to satisfy the Minister of the following matters, as applicable, by a date specified in the notice, being no earlier than 10 working days after the date on which notice is given to the local authority:

(i) the reasons for calling the election do not exist:

(ii) for any reason, the election should not be called:

(iii) a Ministerial body should be appointed instead.

(2) The Minister must—

(a) notify the local authority, in writing, if he or she decides not to call the election; or

(b) act under section 258M(3).

Section 258R: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258S Notification of appointment of Ministerial body

(1) A notice of appointment of a Ministerial body under section 258(1), 258B(1), 258D(1), or 258F(1) must state the following:

(a) that the Minister has appointed a Ministerial body; and

(b) the terms of reference of the Ministerial body; and

(c) the start and end dates of the Ministerial body's appointment; and

(d) the names of each member of the Ministerial body; and

(e) if applicable, the name of the chairperson of the Ministerial body.

(2) Subsection (3) applies if—

(a) the notice of appointment relates to a Commission; and

(b) the Minister has, at the same time, postponed the next triennial general election for members of the local authority under section 258I.

(3) The notice of appointment must also state that the Minister has postponed the next triennial general election for members of the local authority and that the Minister will call a general election, by notice in the *Gazette*, before the term of the Commission ends.

Section 258S: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258T Notification of change of membership of Ministerial body

The Minister must notify any change in the membership of a Ministerial body by notice in the *Gazette*.

Section 258T: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258U Final report of Ministerial body

(1) A final report produced by a Ministerial body must include the following:

(a) a narrative description of the activities of the Ministerial body in relation to its terms of reference; and

(b) in respect of the problem in relation to which the Ministerial body was appointed, an assessment of progress in addressing the problem; and

(c) any final recommendations of the Ministerial body to the Minister, the local authority, or both; and

(d) without limiting paragraph (c), any final recommendations of the Ministerial body to the Minister on whether the Minister should take further action in relation to the local authority, including whether the Minister should appoint any other Ministerial body to the local authority; and

(e) any other matter required by the Ministerial body's terms of reference.

(2) The Minister must, as soon as practicable,—

(a) give a copy of the report to the local authority; and

(b) make the report publicly available, excluding any information that it is necessary to withhold for any of the reasons stated in section 6 or 7 of the Local Government Official Information and Meetings Act 1987.

Section 258U: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258V Remuneration and expenses of Ministerial appointees

(1) A Ministerial appointee is entitled—

(a) to receive remuneration for services as a member of a Ministerial body as determined by the Minister in accordance with the fees framework; and

(b) to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out his or her office as a member in accordance with the fees framework.

(2) In this section, **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

Section 258V: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258W Recovery of expenses from local authority

(1) A local authority owes as a debt to the Crown any expenses that the Crown incurs for the appointment of a Crown Manager or a Commission to the local authority, including the payment of remuneration and expenses to the Crown Manager or a member of the Commission.

(2) Any expenses that the Crown incurs for the appointment of a Crown Observer or a Crown Review Team to a local authority, including the payment of remuneration and expenses to the Crown Observer or a member of the Crown Review Team, may be recovered by the Crown from the local authority if—

(a) the Minister decides that to do so is reasonable in the circumstances; and

(b) the terms of reference authorise the recovery.

(3) The Crown may recover expenses under subsection (2) as a debt to the Crown.

Section 258W: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258X Minister may terminate Ministerial body or Ministerial appointee

(1) The Minister may terminate the appointment of a Ministerial body at any time by notice in writing.

(2) The Minister must give notice of the termination—

(a) to the local authority, in writing; and

(b) by notice in the *Gazette*; and

(c) by public notice.

(3) The Minister may terminate a Ministerial appointee's appointment at any time by notice in writing, and no compensation is payable to the person as a result of the termination.

Section 258X: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258Y Protection from liability for Ministerial appointees

(1) A Ministerial appointee is not liable for any act done or omitted to be done by him or her in good faith in the performance or intended performance of his or her functions, responsibilities and duties, or the exercise of his or her powers as a Ministerial appointee.

(2) To avoid doubt, this includes—

(a) acts done or omitted to be done by a Crown Manager when directing a local authority to act; and

(b) acts done or omitted to be done by a Commission member when performing the functions and exercising the powers of a local authority or its members.

Section 258Y: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

258Z Disclosure of information held by local authority

(1) For the purposes of this Part, information held by a local authority may be disclosed to the Minister or a Ministerial body despite anything to the contrary in the Official Information Act 1982, the Local Government Official Information and Meetings Act 1987, or the Privacy Act 2020.

(2) However, the Minister, the Ministerial body, or a Ministerial appointee must not publish or disclose that information to any other person except in accordance with those Acts.

(3) In this section, **Minister** includes the Minister's officials and Cabinet.

Section 258Z: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 258Z(1): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

258ZA Decisions and directions of Crown Manager or Commission remain in force until local authority decides otherwise

(1) Subsections (2) and (3) apply to a local authority on and from the expiry of the term of a Crown Manager appointed to the local authority.

(2) A direction given to the local authority by the Crown Manager ceases to have effect.

(3) Despite subsection (2), any decision made by the local authority giving effect to the direction continues in force unless and until the local authority revokes or amends the decision.

(4) Subsection (5) applies to a local authority on and from the expiry of the term of a Commission appointed to the local authority.

(5) A decision of the Commission continues in force as if it were a decision made by the local authority unless and until the local authority revokes or amends the decision.

Section 258ZA: inserted, on 5 December 2012, by section 31 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Part 11
Regulations, other Orders in Council, and rules

Part 11 heading: amended, on 27 November 2010, by section 37 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Regulations

Heading: inserted, on 27 November 2010, by section 38 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

259 Regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for 1 or more of the following purposes:

(a) prescribing breaches of bylaws that are infringement offences under this Act:

(b) prescribing infringement fees (not exceeding $1,000) for infringement offences:

(c) prescribing infringement notice forms:

(d) prescribing forms to be used—

(i) in polls in relation to reorganisation plans under Schedule 3:

(ii) for any other matter for which forms are required under this Act:

(da) prescribing matters, not inconsistent with generally accepted accounting practice, that must be specified in a financial statement and the manner in which they must be specified:

(db) prescribing forms for the funding impact statements to be included in the long-term plan, annual plan, and annual report:

(dc) prescribing parameters or benchmarks for assessing whether a local authority is prudently managing its revenues, expenses, assets, liabilities, investments, and general financial dealings:

(dd) prescribing the manner in which a local authority must disclose, in 1 or more of its long-term plan, annual plan, and annual report,—

(i) the planned performance of the local authority against parameters and benchmarks prescribed in regulations made under paragraph (dc):

(ii) the actual performance of the local authority against parameters and benchmarks prescribed in regulations made under paragraph (dc):

(e) prescribing the form or content of applications, notices, or any other documentation or information relating to the reconsideration of requirements for development contributions or to development contribution objections, and the manner in which any document or information is to be made available or provided:

(f) prescribing, in addition to any matters prescribed under paragraph (e), the practice and procedure for hearing and deciding development contribution objections:

(g) providing for any matters that are contemplated by this Act, necessary for giving it full effect, or necessary for its due administration.

(2) Regulations made under subsection (1)(db) may specify in greater detail the information required to be included in a funding impact statement by Schedule 10.

(3) Regulations made under subsection (1)(dc) may—

(a) prescribe parameters or benchmarks in any manner, including by—

(i) reference to fixed terms (for example, the debt of a local authority in a financial year, generally, should not exceed a fixed sum per resident):

(ii) the use of ratios, factors, or other relative terms (for example, the expenditure of a local authority in a financial year, generally, should not increase by more than the ratio of population growth multiplied by the rate of increase of the Consumers Price Index (all groups) or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index) :

(iii) reference to circumstances, statistics, or other publicly available information, whether only concerning local authorities and their districts and regions or otherwise; and

(b) prescribe parameters or benchmarks in a way that differentiates between different types or classes of local authority (for example, regional councils, territorial authorities, and local authorities with a population, assets, or an average income of its population over or under a specified figure); and

(c) prescribe parameters or benchmarks in a way that includes or excludes subsidiaries, including council-controlled organisations, council-controlled trading organisations, and council organisations, of a local authority.

(4) The Minister may recommend the making of regulations under subsection (1)(dc) only if the content of the recommendation has been developed in consultation with the New Zealand Local Government Association Incorporated.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1974 No 66 s 37ZZZI

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 259(1)(d)(i): replaced, on 5 December 2012, by section 32(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259(1)(d)(i): amended, on 22 October 2019, by section 29 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Section 259(1)(da): inserted, on 27 November 2010, by section 39(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 259(1)(db): inserted, on 27 November 2010, by section 39(1) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 259(1)(dc): inserted, on 5 December 2012, by section 32(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259(1)(dd): inserted, on 5 December 2012, by section 32(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259(1)(e): replaced, on 8 August 2014, by section 67 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 259(1)(f): inserted, on 8 August 2014, by section 67 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 259(1)(g): inserted, on 8 August 2014, by section 67 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 259(2): added, on 27 November 2010, by section 39(2) of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 259(3): inserted, on 5 December 2012, by section 32(3) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259(3)(a)(ii): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 259(4): inserted, on 5 December 2012, by section 32(3) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

259A Levy to fund rules for performance measures

(1) Regulations may be made under section 259 providing for the imposition and collection of a levy on local authorities.

(2) The purpose of the levy is to recover all or part of the reasonable cost of making rules specifying performance measures.

(3) Regulations made for the purpose of this section may—

(a) specify the categories of local authorities that are liable to pay the levy:

(b) prescribe the amount or method of calculation of the levy:

(c) prescribe different amounts or methods of calculation of the levy in relation to different categories of local authority:

(d) provide for the manner in which the levy is collected.

(4) All levy money collected under this section must be paid into a Crown Bank Account.

(5) Any levy—

(a) must be reasonable having regard to the expenses incurred or to be incurred by the Secretary in relation to the making of rules under section 261B; and

(b) is payable to the Secretary and recoverable in a court of competent jurisdiction as a debt due to the Secretary.

(6) The Minister may recommend the making of regulations that impose a levy only if the Minister has first consulted the New Zealand Local Government Association Incorporated.

Section 259A: inserted, on 27 November 2010, by section 40 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

259B Power to refund levy

The Secretary may refund the whole or any part of the levy if the Secretary is satisfied that the amount of levy money collected exceeds the amount necessary to fulfil the purpose of the levy stated in section 259A(2).

Section 259B: inserted, on 27 November 2010, by section 40 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

259C Auditor-General must report on disclosures made under certain regulations

(1) This section applies to the Auditor-General if regulations are made under section 259(1)(dd) that require disclosure of the matters set out in that paragraph in a long-term plan or an annual report.

(2) The Auditor-General must report on the completeness and accuracy of the disclosures made by each local authority in the report required from him or her under section 94(1) or 99(1), as the case may be.

Section 259C: inserted, on 5 December 2012, by section 33 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259C(2): amended, on 8 August 2014, by section 75 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

259D Regulations may incorporate financial reporting standards by reference

(1) Regulations made under section 259(1)(dc) may incorporate financial reporting standards in effect under the Financial Reporting Act 2013, as those standards are defined in section 5(1) of that Act.

(2) Financial reporting standards may be incorporated by reference in the regulations—

(a) in whole or in part; and

(b) with modifications, additions, or variations specified in the regulations.

(3) Financial reporting standards incorporated by reference in regulations made under section 259(1)(dc) have legal effect as part of those regulations.

Section 259D: inserted, on 5 December 2012, by section 33 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259D(1): amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

259E Effect of amendments to, or replacement of, standards incorporated by reference in regulations

(1) An amendment to, or replacement of, a financial reporting standard incorporated by reference in regulations made under section 259(1)(dc) (the **initial regulations**) has legal effect, and commences to apply, as part of the initial regulations on and from the dates referred to in subsection (2) if—

(a) the amendment or replacement is made by the External Reporting Board in accordance with the Financial Reporting Act 2013; and

(b) the amendment or replacement is of the same general character as the standard amended or replaced; and

(c) the initial regulations state that amendments or replacements have this effect.

(2) An amendment to, or replacement of, a financial reporting standard has legal effect as part of the initial regulations on and from the dates on which the amendment or replacement takes effect, and commences to apply, under sections 27 and 28 of the Financial Reporting Act 2013.

Section 259E: inserted, on 5 December 2012, by section 33 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 259E(1)(a): amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 259E(2): amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

259F Proof of standards incorporated by reference

(1) A copy of financial reporting standards incorporated by reference in regulations, including any amendment to, or replacement of, the standards must be—

(a) certified as a correct copy by the Secretary; and

(b) retained by the Secretary.

(2) The production in proceedings of a certified copy of the financial reporting standards is, in the absence of evidence to the contrary, sufficient evidence of the incorporation in the regulations of the standards.

Section 259F: inserted, on 5 December 2012, by section 33 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

259G Effect of expiry or revocation of standards incorporated by reference

Financial reporting standards incorporated by reference in regulations made under section 259(1)(dc) that expire or that are revoked or that cease to have effect cease to have legal effect as part of those regulations only if regulations made under that section state that the standards cease to have legal effect.

Section 259G: inserted, on 5 December 2012, by section 33 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

259H Access to standards incorporated by reference

(1) The department responsible for the administration of this Act must—

(a) provide electronic access to any financial reporting standards incorporated by reference in regulations made under section 259(1)(dc); and

(b) make the standards available for inspection during working hours, free of charge, at the department's head office and at any other place that the Secretary determines is appropriate.

(2) A failure to comply with this section does not invalidate regulations that incorporate any financial reporting standards incorporated by reference in regulations made under section 259(1)(dc).

Section 259H: inserted, on 5 December 2012, by section 33 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

259I Application of Legislation Act 2019 to standards incorporated by reference

Subpart 1 of Part 3 and section 114 of the Legislation Act 2019 do not apply to financial reporting standards that are incorporated by reference in regulations made under section 259(1)(dc) of this Act merely because they are incorporated.

Section 259I: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

259J Application of Regulations (Disallowance) Act 1989 to standards incorporated by reference

[Repealed]

Section 259J: repealed, on 5 December 2013, by section 4 of the Local Government Act 2002 Amendment Act 2013 (2013 No 124).

Other Orders in Council

Heading: inserted, on 27 November 2010, by section 41 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

260 Amendment of Schedule 2 by Order in Council

(1) This section applies if—

(a) a local authority named or specified in Part 1 or Part 2 of Schedule 2 is abolished, its name is altered, or a new local authority is created; or

(b) a district or region of a local authority described in Part 1 or Part 2 of Schedule 2 is altered; or

(c) the name of a district or region of a local authority described in Part 1 or Part 2 of Schedule 2 is altered under section 11(2) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

(2) The Governor-General may, by Order in Council, make any amendments to Schedule 2 that may be necessary to give effect to the abolition or alteration, or may include the name of the new local authority and a description of its district or region in Schedule 2.

(3) Without limiting subsection (2), an Order in Council under that subsection may be combined with an Order in Council made under section 25, or any other matter, under this or any other Act.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 260(1)(b): amended, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 260(1)(c): added, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 260(3): amended, on 5 December 2012, by section 34 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 260(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

261 Circumstances when Order in Council may extend time or validate action taken

(1) The Governor-General may, by Order in Council, do 1 or more of the following:

(a) extend the time for completing an action, step, or procedure that is required by or under this Act and that is not done or cannot be done by the time required:

(b) validate an action, step, or procedure taken after the time required under or by this Act:

(c) validate an irregularity of form in an action, step, or procedure required by or under this Act:

(d) make provision for a situation for which sufficient provision is not made by or under this Act.

(2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 261(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Rules for performance measures

Heading: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

261A Purpose of rules specifying performance measures

The purpose of rules made under section 261B is to provide standard performance measures that are applicable to local authorities so that the public may compare the level of service provided in relation to a group of activities by different local authorities.

Section 261A: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

261B Secretary must make rules specifying performance measures

(1) The Secretary must, as soon as is reasonably practicable, make rules specifying performance measures in relation to the following groups of activities:

(a) water supply:

(b) sewerage and the treatment and disposal of sewage:

(c) stormwater drainage:

(d) flood protection and control works:

(e) the provision of roads and footpaths.

(2) Before making a rule under subsection (1), the Secretary must—

(a) consider whether an existing performance measure is suitable for the purpose; and

(b) have regard to whether a performance measure—

(i) measures the level of service for a major aspect of the group of activities; and

(ii) addresses an aspect of the service that is of widespread interest in the communities to which a service in relation to the group of activities is provided; and

(iii) contributes to the effective and efficient management of the group of activities.

(3) Before making a rule, the Secretary must—

(a) consult every local authority; and

(b) publish in the *Gazette*, and in all of the daily newspapers published in Auckland, Hamilton, Wellington, Christchurch, and Dunedin, a notice of his or her intention to make the rule; and

(c) give interested persons a reasonable time, which must be specified in the notice, to make submissions on the proposal; and

(d) consult any other persons or groups as the Secretary considers appropriate.

(4) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(5) A rule comes into force 28 days after the date of its publication or on such later date as may be specified in the rule.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must: • notify it in the *Gazette* with a statement that copies of it may be purchased and the place at which it may be purchased and that it is available, free of charge, on the maker's website and stating the website address • publish it on their website • make it available for sale at a reasonable price	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 261B: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 261B(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 261B(5): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

261C Status of rules

[Repealed]

Section 261C: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Incorporation by reference

Heading: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

261D Incorporation of documents by reference in rules

(1) The following written material may be incorporated by reference in a rule made under section 261B:

(a) standards, requirements, or recommended practices of international or national organisations:

(b) standards, requirements, or recommended practices prescribed in any country or jurisdiction:

(c) any other written material that deals with technical matters and that is too large or impractical to include in, or print as part of, the rule.

(2) Material may be incorporated by reference in a rule—

(a) in whole or in part; and

(b) with modifications or additions specified in the rule.

(3) Material incorporated by reference in a rule has legal effect as part of the rule.

Section 261D: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

261E Proof of material incorporated by reference

(1) A copy of material incorporated by reference in a rule, including any amendment to, or replacement of, the material, must be—

(a) certified by the Secretary as a correct copy of the material incorporated by reference; and

(b) retained by the Secretary.

(2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence that the material is incorporated by reference in the rule.

Section 261E: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

261F Effect of change to, or expiry of, material incorporated by reference

(1) This section applies to—

(a) an amendment to, or a replacement of, material incorporated by reference in a rule:

(b) material incorporated by reference in a rule if the material expires, is revoked, or ceases to have effect.

(2) The amendment or replacement has legal effect as part of the rule only if the rule is varied to state that the amendment or replacement has that effect.

(3) The material described in subsection (1)(b) ceases to have legal effect as part of the rule only if the rule is varied to state that the material ceases to have effect.

Section 261F: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

261G Consultation on proposal to incorporate material by reference

(1) Before a rule is made under section 261B, the Secretary—

(a) must make copies of any material proposed to be incorporated by reference in the rule (or the proposed amendment to, or replacement of, material incorporated by reference in the rule) (the **proposed material**) available for inspection, free of charge, during working hours at the offices of the Secretary; and

(b) must make copies of the proposed material available for purchase at a reasonable price; and

(c) must make copies of the proposed material available, free of charge, on the Secretary's Internet site, unless doing so would infringe copyright; and

(d) may make copies of the proposed material available in any way that the Secretary considers appropriate in the circumstances; and

(e) must give notice in the *Gazette* stating—

(i) that the proposed material is available for inspection during working hours and free of charge, the place at which it can be inspected, and the period during which it can be inspected; and

(ii) that copies of the proposed material can be purchased and the place at which they can be purchased; and

(iii) if applicable, that the proposed material is available on the Internet free of charge and the Internet site address; and

(f) must allow a reasonable opportunity for persons to comment on the proposal to incorporate the proposed material by reference; and

(g) must consider any comments made.

(2) The reference in subsection (1) to any material proposed to be incorporated by reference in a rule includes, if the material is not in an official New Zealand language, an accurate translation of that material in an official New Zealand language.

(3) A failure to comply with this section does not invalidate a rule that incorporates material by reference.

Section 261G: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 261G(1)(c): amended, on 21 March 2019, by section 23 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

261H Access to material incorporated by reference

(1) The Secretary—

(a) must make the material referred to in subsection (2) available for inspection during working hours, free of charge, at the offices of the Secretary; and

(b) must make copies of the incorporated material available for purchase at a reasonable price; and

(c) must make copies of the incorporated material available, free of charge, on the Secretary's Internet site, unless doing so would infringe copyright; and

(d) may make copies of the incorporated material available in any other way that the Secretary considers appropriate in the circumstances; and

(e) must give notice in the *Gazette* stating—

(i) that the material is incorporated in the rule and the date on which the rule was made; and

(ii) that the material is available for inspection during working hours free of charge and the place at which it can be inspected; and

(iii) that copies of the material can be purchased and the place at which they can be purchased; and

(iv) that the material is available on the Internet and free of charge, and the Internet site address; and

(v) if copies of the material are available under paragraph (d), how and where the copies may be obtained or accessed.

(2) The material referred to in subsection (1) is—

(a) material incorporated by reference in the rule:

(b) any amendment to, or replacement of, that material that is incorporated in the rule or the material referred to in paragraph (a) with the amendments or replacement material incorporated:

(c) if the material referred to in paragraph (a) is not in an official New Zealand language, as well as the material itself, an accurate translation of that material in an official New Zealand language.

(3) A failure to comply with this section does not invalidate a rule that incorporates material by reference.

Section 261H: inserted, on 27 November 2010, by section 42 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 261H(1)(c): amended, on 21 March 2019, by section 24 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Rules establishing requirements of form

Heading: inserted, on 21 March 2019, by section 25 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

261I Secretary may make rules establishing requirements of form

(1) The Secretary may make rules establishing requirements of form for information or documents that a local authority is required under this Act or any other Act to make publicly available or to provide to anyone.

(2) The purposes for which rules may be made under subsection (1) are—

(a) to ensure that information or documents that a local authority is required to make publicly available are widely accessible, including to persons with disabilities:

(b) to ensure that information that a local authority is required to make publicly available is presented in a reusable format to facilitate collation or research.

(3) Before making any such rules, the Secretary must—

(a) consult every local authority; and

(b) publish in the *Gazette* a notice of his or her intention to make the rules; and

(c) give interested persons a reasonable time, which must be specified in the notice, to make submissions on the proposal.

(4) *[Repealed]*

(5) Rules made under this section are effective 28 days after the date of publication under the Legislation Act 2019, or on any later date that is specified in the rules.

(6) Rules under this section—

(a) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); but

(b) commence in accordance with subsection (5).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must: • notify it in the *Gazette* with a statement that it is available on the maker's website and specifying the website address • publish it on their website	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 261I: inserted, on 21 March 2019, by section 25 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 261I(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 261I(5): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 261I(6): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 12
Consequential amendments, repeals, revocations, transitional provisions, and savings

Consequential amendments, repeals, and revocations

262 Consequential amendments

The Acts specified in Schedule 16 are consequentially amended in the manner indicated in that schedule.

263 Water services

Amendment(s) incorporated in the Act(s).

264 Amendment to Personal Property Securities Act 1999

Amendment(s) incorporated in the Act(s).

265 New Schedule added to Receiverships Act 1993

Amendment(s) incorporated in the Act(s).

266 Repeals

The enactments specified in Schedule 18 are repealed.

267 Repeal of enactments relating to special consultative procedure

Amendment(s) incorporated in the Act(s).

268 Repeal of Local Government (Prohibition of Liquor in Public Places) Amendment Act 2001

(1) The Local Government (Prohibition of Liquor in Public Places) Amendment Act 2001 is repealed.

(2) Without limiting the provisions of the Interpretation Act 1999, it is declared that the repeal of the Local Government (Prohibition of Liquor in Public Places) Amendment Act 2001 does not affect the amendments made to the Local Government Act 1974 by sections 8 and 9 of that Act.

269 Repeal of spent local Acts

The enactments specified in Schedule 19 are repealed.

270 Repeal of provisions relating to regional parks of Wellington Regional Council

Amendment(s) incorporated in the Act(s).

271 Lake Taupo Regulations 1976

(1) Unless sooner revoked, the Lake Taupo Regulations 1976 (SR 1976/330) continue in force until the close of 30 June 2003, or such later date (not being later than 30 June 2004) as may be specified by Order in Council, as if the Harbours Act 1950 had not been repealed by section 10 of the Local Government Amendment Act (No 2) 1999.

(2) The Governor-General may from time to time, by Order in Council, make regulations—

(a) amending the regulations specified in subsection (1) by providing for any purpose for which navigation bylaws may be made or for which maritime rules may be made:

(b) revoking the regulations specified in subsection (1), in whole or in part.

(3) *Amendment(s) incorporated in the Act(s).*

(4) This section has effect despite anything in section 12 of the Local Government Amendment Act (No 2) 1999.

272 Revocations

The Orders in Council specified in Schedule 20 are revoked.

Transitional provisions

273 First triennial agreement

All local authorities within a region on 1 July 2003 must, before the close of 31 December 2003, enter into an agreement under section 15, which agreement must contain protocols for communication and co-ordination among them during the period until the next triennial general election of members.

274 First local governance statement

Every local authority that is in existence on 1 July 2003 must, before the close of 31 December 2003, prepare and make publicly available a local governance statement that includes the information required by section 40(1).

275 First policy on appointment of directors

Every local authority that is in existence on the passing of this Act must, before the close of 30 June 2003, adopt a policy in accordance with section 57(1) (which relates to the appointment of directors).

276 First statement of intent and report and accounts of existing local authority trading enterprises

(1) Every council-controlled organisation that is, immediately before 1 July 2003, a local authority trading enterprise within the meaning of section 594B of the Local Government Act 1974—

(a) must, subject to section 64(2) of this Act, have in respect of the financial year beginning on 1 July 2003, a statement of intent in accordance with section 64(1) of this Act; and

(b) must, despite the repeal of sections 594Z to 594ZC of the Local Government Act 1974, comply with those sections in respect of the financial year ending on 30 June 2003.

(2) For the purposes of subsection (1)(b), sections 594Z to 594ZC of the Local Government Act 1974 apply with all necessary modifications as if those sections were still in force.

277 First statement of intent of other council-controlled organisations

Every council-controlled organisation (other than one to which section 276 applies) that is in existence on 1 July 2003 must, subject to section 64(2), have, in respect of the financial year beginning on 1 July 2004, a statement of intent in accordance with section 64(1).

278 First policy on significance

Every local authority that is in existence at the commencement of section 90 must, before the close of 30 June 2003, adopt under section 90(1) a policy on determining significance.

279 Long-term council community plan

[Repealed]

Section 279: repealed, on 27 November 2010, by section 43 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

280 Long-term plan for period beginning on 1 July 2006

Every local authority must adopt under section 93 a long-term plan for a period beginning on 1 July 2006.

Section 280 heading: amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 280: amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

281 Annual plan

[Repealed]

Section 281: repealed, on 27 November 2010, by section 44 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

282 Certain decisions to be taken only if provided for in annual plan or special consultative procedure used

[Repealed]

Section 282: repealed, on 27 November 2010, by section 44 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

283 Annual reports

(1) If a local authority has prepared and adopted a report under section 223D of the Local Government Act 1974 for any year, whether before or after the commencement of this section, the local authority must prepare an annual report under section 223E of that Act in respect of that year, and that section and Part 7A of that Act apply to that annual report as if they had not been repealed.

(2) For the avoidance of doubt, sections 98 and 99 do not apply to the preparation and adoption, in accordance with subsection (1), of a report under section 223E of the Local Government Act 1974.

(3) This section applies to the Chatham Islands Council—

(a) as if, in subsection (1), for the words "section 223D of the Local Government Act 1974", there were substituted the words "section 10 of the Chatham Islands Council Act 1995"; and

(b) as if, in subsection (1), for the expression "section 223E", there were substituted the expression "section 11"; and

(c) as if, in subsection (1), for the words "Part 7A of that Act", there were substituted the words "Part 7A of the Local Government Act 1974"; and

(d) as if, in subsection (2), for the words "section 223E of the Local Government Act 1974" there were substituted the words "section 11 of the Chatham Islands Council Act 1995".

284 First annual plan

A local authority in existence at the commencement of section 95 must prepare and adopt its first annual plan under section 95 for the second financial year to which its first long-term plan under section 93 relates.

Section 284: amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

285 First assessment of water and sanitary services

Every territorial authority must, not later than the close of 30 June 2005, make its first assessment under section 125 (which imposes a requirement to assess water and sanitary services).

286 Waste management plan

If, at the commencement of this section, a territorial authority does not have in force in respect of its district a waste management plan adopted under section

539 of the Local Government Act 1974, that territorial authority must, in the period beginning with the passing of this Act and ending with the close of 30 June 2005, adopt a waste management plan under that section.

287 Special consultative procedure

(1) This section applies to any requirement under any Act that a local authority use or adopt the special consultative procedure in relation to any plan or proposal.

(2) A special consultative procedure commenced by a local authority under section 716A of the Local Government Act 1974 before the commencement of section 83 must be treated as complying with a requirement referred to in subsection (1) if the consultative procedure followed by the local authority was substantially in accordance with the requirements of section 83, whether or not that section was in force for any part of that procedure.

288 Decision-making processes commenced before enactment

[Repealed]

Section 288: repealed, on 27 November 2010, by section 45 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

289 Special orders

(1) This section applies in relation to any power given to a local authority by the Local Government Act 1974 or any other Act to do anything by special order.

(2) If, in relation to the exercise of any power to which this section applies, a local authority has, before 1 July 2003, begun proceedings under section 716B of the Local Government Act 1974, that local authority may complete those proceedings and any special order made in those proceedings in accordance with that section has effect according to its tenor.

289A Special orders on or after 1 July 2003

(1) This section applies—

(a) to any power that a local authority is required to exercise by special order under the Local Government Act 1974; and

(b) to an exercise of the power on or after 1 July 2003, and before the commencement of the Local Government Act 1974 Amendment Act 2004.

(2) A power is to be treated as having been exercised lawfully, and as having always been exercised lawfully, if subsection (3) or subsection (4) is complied with.

(3) This subsection is complied with if—

(a) the power has been exercised in accordance with the special order procedure in the Local Government Act 1974 as if the Local Government Act 2002 had not been passed; and

(b) the decision to exercise the power was made in accordance with sections 76 to 83 of the Local Government Act 2002.

(4) This subsection is complied with if—

(a) the power has been exercised in accordance with the special consultative procedure in the Local Government Act 2002; and

(b) the decision to exercise the power was made in accordance with sections 76 to 83 of the Local Government Act 2002.

Section 289A: inserted, on 7 July 2004, by section 23 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

290 Development contributions

The power that a local authority has, under section 198, to require a development contribution to be made to the local authority may be exercised only if—

(a) the requirement is made in respect of the granting, on or after 1 July 2003, of—

(i) a resource consent; or

(ii) a building consent; or

(iii) an authorisation for a service connection; and

(b) the application for the resource consent, building, consent, or authorisation—

(i) is made on or after 1 July 2003; or

(ii) was made in the period beginning on 19 December 2001 and ending with the close of 30 June 2003.

291 Reorganisation proposals

(1) If, at the commencement of this section, any proceedings relating to—

(a) a reorganisation proposal filed before the commencement of this section under section 37ZP of the Local Government Act 1974; or

(b) any draft reorganisation scheme, appeal, review, or other matter arising from the filing of a proposal of the kind described in paragraph (a),—

have not been determined or completed, those proceedings may be continued and completed and are to be dealt with under the Local Government Act 1974 as if this Act had not been passed, and any reorganisation scheme that results from those proceedings may proceed under Part 2BB of that Act and be implemented under Part 2BC of that Act.

(2) Any person who, if this Act had not been enacted, would have had—

(a) a right of appeal to the Commission or the High Court; or

(b) a right to make any application for review,—

in respect of any proceedings to which subsection (1) applies will continue to have that right and that right may be exercised as if the enactments repealed by this Act had continued in force.

(3) Nothing in this section limits the right of any person to withdraw an application, notice, or proposal.

292 Existing charges

(1) This section applies to any security interest that, immediately before the commencement of this section, was registered under section 122ZH of the Local Government Act 1974.

(2) Every security interest to which this section applies must be treated as a prior security interest for the purposes of Part 12 of the Personal Property Securities Act 1999, and that Part applies, in relation to every such security interest, as if—

(a) every reference in that Part to prior registration law were a reference to section 122ZH of the Local Government Act 1974; and

(b) the transitional period were the period of 6 months commencing on the commencement of this section.

293 Bylaws

(1) Bylaws made or having effect under provisions of the Local Government Act 1974 that are repealed by this Act, being bylaws that were in force immediately before the commencement of this section, are deemed to be validly made under this Act and continue in force accordingly if validly made under the Local Government Act 1974.

(2) Legal proceedings in relation to bylaws continued by subsection (1) that are pending by or against a council on the commencement of this section may be carried on, completed, enforced, or defended by or against the council as if this Act had not been passed.

(3) Every bylaw to which this section applies that is not revoked or that does not expire before 1 July 2008, is revoked on that date.

Section 293(3): added, on 28 June 2006, by section 26 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

294 Standing orders

(1) Local authority bylaws, and rules made by resolution of a local authority that constitute the standing orders of a local authority when Schedule 7 comes into force, are standing orders of the local authority as if they had been adopted in the manner provided in clause 27 of Schedule 7.

(2) Standing orders established under the Local Government Act 1974 and in force immediately before the commencement of Schedule 7 continue in existence until replaced or altered in accordance with Schedule 7.

295 Communities and community boards

A community constituted under section 101ZG of the Local Government Act 1974, and in existence immediately before 1 July 2003, and the community board established for any such community, and in existence immediately before 1 July 2003, continue in existence for all purposes as fully and effectually as if they had originated under the corresponding provisions of this Act, and are, where necessary, deemed to have so originated.

296 Chief executive

(1) A person who, immediately before the commencement of this section, holds office under section 119C(1)(a) of the Local Government Act 1974 as the chief executive officer of a local authority is, without further appointment, the chief executive of that local authority and is deemed to have been appointed as chief executive under section 42 for the unexpired portion of his or her term of office as the chief executive officer and on the same terms and conditions as those on which that person was employed immediately before that commencement.

(2) Nothing in subsection (1) prevents any terms or conditions of employment continued in force by that subsection from being varied or superseded by agreement.

297 Members of Commission

(1) A person who, immediately before the commencement of this section, holds office, under section 37Y of the Local Government Act 1974, as a member of the Commission or, under section 37ZA of that Act, as a deputy of a member of the Commission or, under section 37ZB of that Act, as a temporary member of the Commission is deemed to have been appointed, and to hold office, under the corresponding provision of Schedule 4 of this Act.

(2) The term of office of a person deemed by subsection (1) to have been appointed under clause 2 of Schedule 4 as a member of the Commission is, unless he or she sooner vacates office under clause 3 of Schedule 4, to expire on the date on which, but for the passing of this Act, his or her term would have expired under the provisions of the Local Government Act 1974.

298 Community trusts

(1) This section applies to any community trust which is established under section 225D of the Local Government Act 1974 and which is in existence immediately before the commencement of this section.

(2) Subject to the trust deed establishing a community trust to which this section applies, such a community trust continues in existence, and the provisions of subsections (3) and (4) of section 225D and of sections 225E to 225M of the Local Government Act 1974 continue to apply to that community trust as if they had not been repealed.

(3) Where any local authority or council-controlled organisation or subsidiary of a council-controlled organisation sells any shares or equity securities in any port company established under the Port Companies Act 1988 or where a local authority receives from a council-controlled organisation or a subsidiary of a council-controlled organisation any part of the proceeds of the sale of any such shares or equity securities, the local authority may apply any of the proceeds of the sale (including any income or capital gain arising on those proceeds) to—

(a) the payment of costs related to the sale; and

(b) the performance of any functions of that local authority; and

(c) a payment to a community trust to which this section applies.

299 Borrowing from sinking fund

(1) Despite the repeal of section 122ZAA of the Local Government Act 1974 by this Act, a local authority may—

(a) borrow from the Commissioners of any sinking fund established by the local authority under the Local Authorities Loans Act 1956 or any former enactment; and

(b) meet the costs of the borrowing (including interest and principal) from the proceeds of any rate.

(2) Section 86(6) of the Local Authorities Loans Act 1956 does not limit subsection (1)(a).

300 Cancellation of part of loan in respect of which sinking fund is held

If a local authority has, before the commencement of this section, established a sinking fund to provide for the repayment of any loan, and if, after the commencement of this section, it repurchases and cancels or redeems or otherwise repays in part any loan in respect of which the sinking fund is held before its stated maturity, the local authority may, with the consent in writing of the Auditor-General, require the release to the local authority of such amount of the sinking fund as will leave it (with probable accumulations of interest) sufficient to repay the balance of the loan at maturity.

Compare: 1974 No 66 s 122ZR(1)

301 Consent required for release of sinking fund

(1) If a sinking fund established by a local authority for the repayment of any loan is in existence immediately before the commencement of this section, the local authority may, if consent is given in accordance with subsection (2), require the release to the local authority within 4 months of all amounts standing to the credit of that sinking fund or the transfer of the securities in which those amounts are invested.

(2) Consent is given in accordance with this subsection if—

(a) consent is given in writing; and

(b) consent is given by the Commissioners of the sinking fund; and

(c) consent is given by—

(i) the creditor of the relevant loan; or

(ii) if there are 2 or more creditors of the relevant loan,—

(A) all creditors of the relevant loan; or

(B) some creditors of the relevant loan, if the sinking fund is sufficient to repay the balance of the loan on maturity in respect of amounts owed to creditors who do not consent.

(3) Before a local authority makes a request for the release of a sinking fund under subsection (1), it must ensure that the local authority will have available, in easily realisable funds, such amounts as may be required to repay the principal or interest of the loan when the principal or interest becomes payable.

Compare: 1974 No 66 s 122ZR(2), (2A), (3)

302 Provisions relating to Public Trust and Board of Trustees of National Provident Fund

In the case of any appointment of the Public Trust or the Board of Trustees of the National Provident Fund (referred to in this section as **the retiring Commissioner**) as sole Commissioner of the sinking fund of any loan in respect of which a local authority is liable, then, despite any other enactment, any rule of law, or the terms of the appointment,—

(a) the retiring Commissioner may, with the consent of the Governor-General in Council and of the proposed replacement Commissioner, revoke that appointment and appoint any person otherwise entitled to be a Commissioner in the retiring Commissioner's place; and

(b) the retiring Commissioner must, immediately after the revocation of the retiring Commissioner's appointment, transfer the money or assets representing the sinking fund to the replacement Commissioner; and

(c) no liability will be incurred by the retiring Commissioner in respect of any sinking fund after completion of the transfer of the money or assets representing that fund.

Compare: 1974 No 66 s 122ZR(4)

303 Public Bodies Leases Act 1969

(1) Every territorial authority and regional council ceases, as from the commencement of this section, to be a leasing authority for the purposes of the Public Bodies Leases Act 1969.

(2) Despite subsection (1) and section 262, nothing in this Act limits the application of the Public Bodies Leases Act 1969 with respect to—

(a) any lease or tenancy granted by a territorial authority or regional council before the commencement of this section and current at the commencement of this section; or

(b) any lease or tenancy granted after the commencement of this section in renewal of a lease or tenancy to which the Public Bodies Leases Act 1969 applies.

304 Sale of land purchased for commercial or industrial purposes

Despite the repeal by this Act of section 572 of the Local Government Act 1974, subsection (6) of that section continues to have effect in relation to the sale of any land to which that section applies (being land that the local authority has purchased for commercial or industrial purposes before the repeal of that section).

305 Local Authorities (Employment Protection) Act 1963

Section 55(3) of the Local Government Amendment Act (No 2) 1989 continues to have effect.

306 Local Authorities Loans Act 1956

(1) Sections 21 and 22 of the Local Government Amendment Act (No 3) 1996 continue to have effect.

(2) Despite subsection (1) and clauses 60(1) and 61 of Schedule 3, if a local authority repays, before its maturity, any loan that is secured by a rate to which clause 60(1) of Schedule 3 refers or any loan in respect of which a rate has been made and levied pursuant to clause 61 of Schedule 3, the provisions of clause 60(1) of Schedule 3 or of clause 61 of Schedule 3 or of both, as the case may require, cease to apply to the rate or the area of land upon which the rate is charged.

307 Existing proceedings

All applications, actions, appeals, proceedings, and other matters under any Act which, before the commencement of this section, have been made or referred under any provision of the Local Government Act 1974 that is repealed by this Act or any provision of any other Act amended or repealed by that Act or by this Act to any court or the Commission and which have not been determined or completed at the commencement of this section are to be determined or completed by the court or the Commission, as the case may require, as if this Act had not been passed.

308 Existing causes of action

(1) Subject to the applicable period of limitation, the repeal by this Act of any existing Act or provision does not extinguish any existing cause of action.

(2) If any cause of action has arisen before the commencement of this section under any of the provisions repealed by this Act and, at commencement of this

section, no proceedings have been initiated in respect of that cause of action under those provisions, those provisions continue to apply to any proceedings commenced in respect of any such cause of action as if this Act had not been passed.

Savings

309 Saving

(1) The repeal of any provision by this Act does not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, is to continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

(2) Subsection (1) does not limit the provisions of the Interpretation Act 1999.

310 Saving in respect of bylaws of Transit New Zealand

The repeal of section 684(1)(38) to (40) and of section 684(2) of the Local Government Act 1974 by this Act does not affect any bylaws made by Transit New Zealand under section 61(3) of the Transit New Zealand Act 1989 or the power of the New Zealand Transport Agency to make further bylaws under section 61(3) of the Government Roading Powers Act 1989.

Section 310: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

311 Savings in respect of bylaws made in respect of government roads

The repeal of section 684(1)(38) to (40) and of section 684(2) of the Local Government Act 1974 by this Act does not affect any bylaws made by the Minister of Transport under section 48(2) of the Transit New Zealand Act 1989 or the power of the Minister of Transport to make further bylaws under section 48(2) of that Act.

312 Savings and validation in respect of remuneration, allowances, and expenses of elected members

(1) Every determination, resolution, or other document which was in force under Part 4C of the Local Government Act 1974 immediately before the commencement of section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001—

(a) is deemed to have continued in force until the commencement of this section; and

(b) is to continue in force after the commencement of this section until it is superseded or revoked by a determination made by the Remuneration Authority under—

(i) Part 4C of the Local Government Act 1974 (as amended by section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001); or

(ii) this Act.

(2) In relation to the period beginning with the commencement of section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001 and ending with the commencement of this section, the provisions of Part 4C of the Local Government Act 1974 are deemed to have had effect as if that section had not been enacted.

(3) The provisions of Part 4C of the Local Government Act 1974 (in the form of which they were immediately before the commencement of section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001) continue to have effect in relation to any determination, resolution, or other document to which subsection (1) of this section applies until the determination, resolution, or document is superseded or revoked by a determination made by the Remuneration Authority under—

(a) Part 4C of the Local Government Act 1974 (as amended by section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001); or

(b) this Act.

(4) A determination made by the Remuneration Authority under Part 4C of the Local Government Act 1974 (as amended by section 4 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001) or this Act may revoke any determination, resolution, or other document to which subsection (1) of this section applies.

(5) Despite subsections (1) to (4) and the provisions of sections 4 and 5 of the Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001, the provision made by section 14(aa) of the Greytown District Trust Lands Act 1979 for the payment of a fee to members of the trust board within the meaning of that Act—

(a) is deemed to have continued in force until the commencement of this section; and

(b) continues in force after the commencement of this section until the earlier of—

(i) the date on which the rate of the remuneration payable to members of that trust board is first approved after the commencement of this section under the Fees and Travelling Allowances Act 1951; or

(ii) the close of 30 April 2003.

313 Saving in respect of Infrastructure Auckland

[Repealed]

Section 313: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

314 Prohibition of vehicles and consumption or possession of intoxicating liquor in public place

(1) Every prohibition that, on the commencement of this section, is in force under any provision of sections 709A to 709H of the Local Government Act 1974 is, unless it is sooner revoked or sooner expires, to continue in force for the period of 12 months beginning with the date on which this section comes into force.

(2) A territorial authority may, by bylaw made under section 146(b), revoke any prohibition that is continued in force by subsection (1) and is in force within the whole or any part of the territorial authority's district.

(3) Every prohibition continued in force by subsection (1) is deemed,—

(a) for the purposes of sections 169, 239, and 240, to be a bylaw made under Part 8; and

(b) for the purpose of section 170, to be a bylaw made under section 147.

Schedule 1AA
Application, savings, and transitional provisions

s 8A

Schedule 1AA: inserted, on 8 August 2014, by section 68 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 1AA heading: replaced, on 14 May 2019, by section 14(1) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Part 1
Provisions relating to Local Government Act 2002 Amendment Act 2014

Schedule 1AA Part 1 heading: inserted, on 14 May 2019, by section 14(2) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

1 Transitional provision relating to triennial agreements

(1) A triennial agreement that is in force on the date of commencement of section 9 of the Local Government Act 2002 Amendment Act 2014—

(a) is not required to comply with the requirements of section 15 as replaced by section 9 of the Local Government Act 2002 Amendment Act 2014; but

(b) may be replaced by a new triennial agreement that does comply with those requirements at any time; and

(c) must be replaced by a triennial agreement that does comply with those requirements not later than 1 March after the next triennial general election of members.

(2) A triennial agreement to which subclause (1) applies remains in force until it is replaced by another agreement.

2 Transitional provision relating to delivery of services

(1) A local authority must complete its first reviews under section 17A in relation to governance, funding, and delivery of any infrastructure, service, or regulatory function within 3 years of the commencement of section 12 of the Local Government Act 2002 Amendment Act 2014.

(2) Subclause (1) is subject to subsections (2) and (3) of section 17A.

3 Transitional provision relating to scope of local government reorganisations

(1) The amendments to section 24 and Schedule 3 made by sections 14 and 69 and Schedule 2 of the Local Government Act 2002 Amendment Act 2014 apply to every local government reorganisation for which no final proposal has been publicly notified under clause 22 of Schedule 3 at the date of commencement of those amending sections.

(2) To avoid doubt, subclause (1) does not limit or affect the obligations and powers of the Local Government Commission under clause 21 of Schedule 3.

4 Transitional provision relating to significance and engagement policy

(1) A local authority must adopt a significance and engagement policy under section 76AA (inserted by section 20 of the Local Government Act 2002 Amendment Act 2014) no later than 1 December 2014.

(2) Despite the repeal of section 90, every policy on significance adopted under that section remains in force until a significance and engagement policy is adopted under section 76AA.

(3) Until a policy is adopted under section 76AA, every reference to such a policy must be treated as a reference to a policy on significance adopted under section 90.

5 Requirement to enter into agreement under clause 30A of Schedule 7

(1) This clause applies to a local authority that appointed a joint committee under clause 30(1)(b) of Schedule 7 before the date of commencement of clause 30A of Schedule 7 if that committee remains in existence after that date.

(2) The local authority must, within 12 months of the date of commencement of clause 30A of Schedule 7, enter into an agreement under that clause with every other local authority or public body that has appointed members to that joint committee.

(3) If an agreement under clause 30A of Schedule 7 is not entered into within the period specified in subclause (2), the joint committee is deemed to be discharged by the local authority.

(4) Nothing in this clause applies if the joint committee referred to in subclause (1) was constituted or continued by, or required to be constituted or continued by, an enactment other than this Act.

6 Savings provision relating to development contributions made or required before commencement

(1) Territorial authorities may retain any development contributions made to them before the commencement of this clause, as if the Local Government Act 2002 Amendment Act 2014 had not been enacted.

(2) The enactment of the Local Government Act 2002 Amendment Act 2014 does not affect the collection of any development contribution that was required before the commencement of this clause.

7 Transitional provision relating to certain consents, certificates, and requests

(1) This clause applies to an application for a resource consent, building consent, certificate of acceptance, or authorisation for service connection that, at the commencement of this clause,—

(a) has been submitted to a territorial authority accompanied by all required information; and

(b) in respect of which a development contribution has yet to be required.

(2) The application must be dealt with, and any development contribution must be required, collected, and paid, as if the Local Government Act 2002 Amendment Act 2014 had not been enacted.

8 Transitional provision regarding development contributions for community infrastructure

[Repealed]

Schedule 1AA clause 8: repealed, on 14 May 2019, by section 14(3) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

9 Transitional provision relating to development contributions policy

(1) Until 30 June 2015 a development contributions policy that was in force immediately before the commencement of this clause is not invalid solely because it is inconsistent with this Act as amended by the specified provisions.

(2) No later than 1 December 2014, the territorial authority must make publicly available the information required by section 82A(2) in respect of changes proposed to comply with subclause (3).

(3) No later than 30 June 2015, the development contributions policy must be amended to comply with this Act as amended by the specified provisions.

(4) In this clause, the **specified provisions** means sections 50, 51(2), and 53 of the Local Government Act 2002 Amendment Act 2014.

(5) Nothing in this clause limits—

(a) the application (before, on, or after 30 June 2015) of clause 8; or

(b) the application of the amendments to this Act made by section 53 of the Local Government Act 2002 Amendment Act 2014.

10 Transitional provision relating to additions to development contributions policy

(1) Until the date that is 1 month after the date on which sections 57 and 59 of the Local Government Act 2002 Amendment Act 2014 come into force, a development contributions policy that was in force immediately before the commencement of this clause is not invalid solely because it is inconsistent with section 201A or 202A.

(2) No later than the date referred to in subclause (1), a territorial authority to which section 201A applies must amend its development contributions policy by including a schedule in accordance with that section.

(3) No later than the date referred to in subclause (1), a territorial authority must amend its development contributions policy to comply with section 202A.

(4) A territorial authority may make the amendments to its development contributions policy required by subclauses (2) and (3) by resolution without consultation or further formality.

(5) Nothing in subclause (1) limits clause 8(3).

11 Transitional provision relating to long-term plans

(1) The repeal of section 84 by section 26 of the Local Government Act 2002 Amendment Act 2014, and the amendments to sections 93 and 94 and Schedule 10 made by sections 30 and 32 and the first 7 items in Schedule 5 of that Act, do not apply to a long-term plan for a period commencing before 1 July 2015, and nothing in this Act requires such a long-term plan to be amended to ensure it complies with those requirements.

(2) Sections 93A to 93G and 101B, as inserted by sections 31 and 36 of the Local Government Act 2002 Amendment Act 2014, do not apply to a long-term plan for a period commencing before 1 July 2015, and nothing in this Act requires such a long-term plan to be amended to ensure it complies with those requirements.

(3) The amendments to this Act referred to in subclauses (1) and (2) apply only to long-term plans for the period commencing on 1 July 2015 and subsequent long-term plans.

12 Transitional provision relating to annual plans

(1) The repeal of section 85 by section 27 of the Local Government Act 2002 Amendment Act 2014, and the amendments to section 95 and Schedule 10 made by section 33 and the 8th and 9th items in Schedule 5 of that Act, do not apply to an annual plan for a period commencing before 1 July 2016, and nothing in this Act requires such an annual plan to be amended to ensure it complies with those requirements.

(2) Sections 82A(3), 95A, and 95B, as inserted by sections 24 and 34 of the Local Government Act 2002 Amendment Act 2014, do not apply to an annual plan for a period commencing before 1 July 2016, and nothing in this Act requires such an annual plan to be amended to ensure it complies with those requirements.

(3) The amendments to this Act referred to in subclauses (1) and (2) apply only to annual plans for the period commencing on 1 July 2016 and ending on 30 June 2017 and subsequent annual plans.

13 Transitional provision relating to annual reports

The amendments to Schedule 10 made by the 10th to 13th items in Schedule 5 of the Local Government Act 2002 Amendment Act 2014 apply only to annual reports for the period commencing on 1 July 2013 and ending on 30 June 2014 and subsequent annual reports.

Part 2
Provisions relating to Local Government (Community Well-being) Amendment Act 2019

Schedule 1AA Part 2: inserted, on 14 May 2019, by section 14(4) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

14 Interpretation in this Part

In this Part, **2019 Act** means the Local Government (Community Well-being) Amendment Act 2019.

Schedule 1AA clause 14: inserted, on 14 May 2019, by section 14(4) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

15 Transitional provision relating to development contributions for certain community infrastructure

(1) This clause applies to any work or programme that—

(a) was not within the definition of community infrastructure as it was immediately before the commencement of section 11 of the 2019 Act, but is within the definition of community infrastructure immediately after the commencement of that section; and

(b) was completed on or after 8 August 2014 and before the commencement of section 11 of the 2019 Act.

(2) If a territorial authority amends its development contribution policy to require development contributions in relation to any work or programme described in subclause (1),—

(a) the work or programme must be separately identified in the schedule required by section 201A; and

(b) for each work or programme separately identified, instead of the matters specified in section 201A(1)(c) and (d), the schedule must list—

(i) the proportion of the capital cost of the work or programme that the territorial authority would have proposed to recover through development contributions had it been possible to recover development contributions in respect of all developments that meet the criteria in the amended policy; and

(ii) the proportion of the capital cost of the work or programme that the territorial authority would have proposed to recover from other sources had it been possible to recover development contributions in respect of all developments that meet the criteria in the amended policy; and

(iii) based on the proportion specified under subparagraph (i), the amount that would have been recoverable in respect of resource consents granted, building consents granted, and service connections granted before the date on which the amendment to the

development contribution policy came into effect (and which therefore cannot be recovered through development contributions); and

(iv) after taking into account the territorial authority's inability to recover the amount specified in subparagraph (iii) from development contributions,—

(A) the adjusted proportion of the capital cost that the territorial authority proposes to recover through development contributions; and

(B) the adjusted proportion of the capital cost that the territorial authority proposes to recover from other sources.

Schedule 1AA clause 15: inserted, on 14 May 2019, by section 14(4) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

Part 3
Provisions relating to Local Government Act 2002 Amendment Act 2019

Schedule 1AA Part 3: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Transitional provision relating to reporting and publication requirements

Heading: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

16 Delayed effective date for certain reporting and publication requirements

(1) Despite sections 64(9), 64B(3), 66(5), and 67(4), a local authority is not required to publish a council-controlled organisation's statement of intent, statement of expectations, half-yearly or quarterly report, or annual report on an Internet site maintained by the local authority before the date that is 3 months after the date of commencement of the Local Government Act 2002 Amendment Act 2019.

(2) Despite sections 66 and 67(1)(b), a council-controlled organisation is not required to deliver a report to a local authority that indirectly controls the organisation before the date that is 3 months after the date of commencement of the Local Government Act 2002 Amendment Act 2019.

Schedule 1AA clause 16: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Transitional provisions relating to scope of local government reorganisations

Heading: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

17 Interpretation

In this Part,—

relevant amendments means the amendments to subpart 2 of Part 3 and to Schedule 3 made by sections 8 to 14 and 31 of the Local Government Act 2002 Amendment Act 2019

relevant provisions means the provisions in subpart 2 of Part 3 and Schedule 3.

Schedule 1AA clause 17: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

18 Relevant amendments do not apply if final proposal notified before commencement

The relevant amendments do not apply to a local government reorganisation for which a final proposal was publicly notified under clause 22 of Schedule 3 before the repeal of that clause and the commencement of the relevant amendments. The relevant provisions continue to apply as if the relevant amendments had not been made.

Schedule 1AA clause 18: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Reorganisation applications made before 4 April 2019

Heading: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

19 Process if notice of proposal given, but decision not made, before commencement of relevant amendments

(1) Subclause (2) applies if,—

(a) before 4 April 2019, the Local Government Commission received a reorganisation application under clause 3 of Schedule 3; and

(b) before the commencement of the relevant amendments, the Commission—

(i) had given notice of a draft proposal under clause 20 of Schedule 3; but

(ii) had not made a decision under clause 21(1) of that schedule in respect of that draft proposal.

(2) If this subclause applies,—

(a) the relevant provisions, as amended by the relevant amendments, apply to consideration of the draft proposal as if it were a reorganisation investigation under subpart 2 of Part 1 of Schedule 3; but

(b) the Commission must complete the consultation required by clause 20 of Schedule 3 as if that clause had not been repealed, before taking any action under Part 2 of Schedule 3.

Schedule 1AA clause 19: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

20 Process if decision to assess application notified before commencement of relevant amendments, but draft proposal not completed

(1) Subclause (2) applies if,—

(a) before 4 April 2019, the Local Government Commission received a reorganisation application under clause 3 of Schedule 3; and

(b) before the commencement of the relevant amendments, the Commission—

(i) had notified its decision to assess an application under clause 6 of Schedule 3; but

(ii) had not completed a draft proposal for the affected area under clause 14 of that schedule.

(2) If this subclause applies,—

(a) the relevant provisions, as amended by the relevant amendments, apply to the application, and to any alternative applications relating to the application received under clause 10 of Schedule 3, as if each application were a reorganisation initiative under subpart 1 of Part 1 of Schedule 3; but

(b) the Commission must undertake 1 or more investigations covering the proposals in the application or applications, and clause 5 of Schedule 3 does not apply.

Schedule 1AA clause 20: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Reorganisation applications made after 4 April 2019

Heading: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

21 Process if reorganisation application made between 4 April 2019 and date of commencement of relevant amendments

(1) Subclauses (2) to (4) apply if the Commission received a reorganisation application under clause 3 of Schedule 3 in the period starting on 4 April 2019 and ending immediately before the commencement of the relevant amendments.

(2) If the reorganisation application was made by a person, body, or group, other than a local authority or the Minister, the Commission must determine whether the application was made on behalf of a group that comprises at least 10% of electors in the affected area.

(3) If the Commission determines that the application was not made on behalf of a group that comprises at least 10% of electors in the affected area,—

(a) the Commission must not assess or continue to assess the application; and

(b) the Commission must notify the person who submitted the application that—

(i) the application will not be assessed; but

(ii) the person may propose a reorganisation initiative or make an investigation request in accordance with subpart 1 of Part 1 of Schedule 3.

(4) If the Commission determines that the application was made on behalf of a group that comprises at least 10% of electors in the affected area, the application must be progressed as follows:

(a) in accordance with clause 19(2), if the circumstances described in clause 19(1)(b) apply; and

(b) in accordance with clause 20(2), if the circumstances described in clause 20(1)(b) apply.

Schedule 1AA clause 21: inserted, on 22 October 2019, by section 30 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 4
Provisions relating to Local Government (Rating of Whenua Māori) Amendment Act 2021

Schedule 1AA Part 4: inserted, on 13 April 2021, by section 78 of the Local Government (Rating of Whenua Māori) Amendment Act 2021 (2021 No 12).

22 Delayed effective date of requirement for certain funding and financial policies to support principles in Preamble to Te Ture Whenua Maori Act 1993

(1) Section 102(3A) (as inserted by section 77 of the Local Government (Rating of Whenua Māori) Amendment Act 2021) does not apply to any policy adopted before the effective date for the relevant policy.

(2) The policies referred to in section 102(3A) must—

(a) be reviewed for compliance with that section by the effective date for the relevant policy; and

(b) be amended or replaced as required in order to achieve compliance with that section on or before the effective date.

(3) If a local authority amends its revenue and financing policy under section 93(4) before 1 July 2024 solely for the purpose of complying with section 102(3A), the amendment is not required to be audited in accordance with sections 93D(4) and 94.

(4) In this clause,—

commencement date means the commencement of section 77 of the Local Government (Rating of Whenua Māori) Amendment Act 2021

effective date means,—

(a) for a revenue and financing policy adopted under section 102(1), 1 July 2024:

(b) for a policy on development contributions or financial contributions adopted under section 102(1), the date of the completion of the first review of the policy in accordance with section 106(6) that commenced after the commencement date:

(c) for a policy on the remission and postponement of rates on Māori freehold land adopted under section 102(1), 1 July 2022:

(d) for any rates remission policy or rates postponement policy adopted under section 102(3), the earlier of—

(i) 1 July 2024; and

(ii) the date of the completion of the first review of the policy under section 109(2A) or 110(2A) that commenced after the commencement date.

Schedule 1AA clause 22: inserted, on 13 April 2021, by section 78 of the Local Government (Rating of Whenua Māori) Amendment Act 2021 (2021 No 12).

Part 4
Provisions relating to COVID-19 Response (Further Management Measures) Legislation Act 2020

[Repealed]

Schedule 1AA Part 4: repealed, on 1 October 2020, by clause 24.

22 Special consultative procedure commenced before 17 May 2020

[Repealed]

Schedule 1AA clause 22: repealed, on 1 October 2020, by clause 24.

23 Modified special consultative procedure commenced after 17 May but before 1 October 2020

[Repealed]

Schedule 1AA clause 23: repealed, on 1 October 2020, by clause 24.

24 Repeal of this Part

[Repealed]

Schedule 1AA clause 24: repealed, on 1 October 2020, by clause 24.

Part 5
Provisions relating to Water Services Act 2021

Schedule 1AA Part 5: inserted, on 15 November 2021, by section 212 of the Water Services Act 2021 (2021 No 36).

23 Requirements in subpart 1 of Part 7

Despite section 125(3), every territorial authority must complete an assessment of drinking water services in accordance with section 125 by 1 July 2026.

Schedule 1AA clause 23: inserted, on 15 November 2021, by section 212 of the Water Services Act 2021 (2021 No 36).

Part 6
Provisions relating to Water Services Entities Act 2022

[Repealed]

Schedule 1AA Part 6: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Definitions

[Repealed]

Heading: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

24 Definitions

[Repealed]

Schedule 1AA clause 24: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Bylaws

[Repealed]

Heading: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

25 Review under section 158 or 159 of water services bylaws may be deferred during transition period

[Repealed]

Schedule 1AA clause 25: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

26 Duty to identify before 1 January 2024 specified water services bylaws

[Repealed]

Schedule 1AA clause 26: repealed, on 23 August 2023, by section 37(4) of the Water Services Entities Amendment Act 2023 (2023 No 44).

Long-term planning if water services entity's establishment date is 1 July 2024

[Repealed]

Heading: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

27 Long-term planning to exclude water services during establishment period if, and only to extent that, territorial authority's district is in service area of water services entity with establishment date of 1 July 2024

[Repealed]

Schedule 1AA clause 27: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Planning or reporting documents if water services entity's establishment date is 1 October 2024 to 1 July 2026

[Repealed]

Heading: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

28 Content relating to water services in planning or reporting documents if, and only to extent that, territorial authority's district is in service area of water services entity with establishment date of 1 October 2024 to 1 July 2026

[Repealed]

Schedule 1AA clause 28: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

29 Decision making and consultation

[Repealed]

Schedule 1AA clause 29: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

30 Significance and engagement policy

[Repealed]

Schedule 1AA clause 30: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

31 Long-term plan to take effect for all or any of 2024/2034, and related documents

[Repealed]

Schedule 1AA clause 31: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

32 Requirements under clauses of Part 1 of Schedule 10

[Repealed]

Schedule 1AA clause 32: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

33 Annual plan

[Repealed]

Schedule 1AA clause 33: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

34 Certain decisions to be taken only if provided for in long-term plan

[Repealed]

Schedule 1AA clause 34: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

35 Annual report

[Repealed]

Schedule 1AA clause 35: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

36 Balanced budget requirement

[Repealed]

Schedule 1AA clause 36: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

37 Infrastructure strategy

[Repealed]

Schedule 1AA clause 37: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Budget, and unapplied rates revenue, for water services

[Repealed]

Heading: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

38 Budget, and unapplied rates revenue, for water services

[Repealed]

Schedule 1AA clause 38: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

39 Development contributions and financial contributions relating to water services infrastructure

[Repealed]

Schedule 1AA clause 39: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Chatham Islands Council

[Repealed]

Heading: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

40 Chatham Islands Council not subject to specified clauses

[Repealed]

Schedule 1AA clause 40: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Part 7
Provision relating to Water Services Legislation Act 2023

[Repealed]

Schedule 1AA Part 7: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

41 Transitional provision relating to certain annual reports required under Part 3 of Schedule 10

[Repealed]

Schedule 1AA clause 41: repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Part 8
Provisions relating to Water Services Acts Repeal Act 2024

Schedule 1AA Part 8: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

42 Application

(1) This Part—

(a) applies to the Wellington Regional Council and to each territorial authority; but

(b) does not apply to the Chatham Islands Council.

(2) In this Part,—

2024 long-term plan material—

(a) means a consultation document related to a long-term plan that covers a period commencing at the start of the 2024/25 financial year; and

(b) includes material or documentation relied on by the content of such a consultation document

authority means an entity to which this Part applies under subclause (1).

Schedule 1AA clause 42: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Long-term plans and annual plans

Heading: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

43 If authority had commenced consultation on 2024–2034 long-term plan

(1) This clause applies to an authority if, before this Part comes into force, it adopts a consultation document for the purposes of its 2024–2034 long-term plan in accordance with Part 6 of this schedule (as it applied immediately before this Part came into force).

(2) The authority may, but need not,—

(a) issue a new consultation document or reconsult on the long-term plan to take into account the Water Services Acts Repeal Act 2024; and

(b) if it issues a new consultation document or reconsults on the long-term plan, decide whether to use or adopt the special consultative procedure; and

(c) delay adopting the long-term plan (in accordance with clause 46) to enable consultation on any changes to the 2024 long-term plan material required to comply with the Water Services Acts Repeal Act 2024.

(3) When finalising its long-term plan, the authority—

(a) must ensure that it complies with sections 77, 78, and 79, but (contrary to section 79(1)(a)) the local authority is not required to ensure that its compliance with sections 77 and 78 is largely in proportion to the significance of the matters affected by the decision as determined in accordance with the policy under section 76AA; but

(b) may, when complying with sections 77(1)(c) and 78(1), consider the views and preferences of any person in the manner it considers appropriate in the circumstances.

(4) When it adopts its 2024–2034 long-term plan, the authority must ensure that the plan includes information that reflects the authority's long-term role in relation to providing water services.

(5) Subclause (2)(b) applies despite section 93(2).

Schedule 1AA clause 43: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

44 If authority's consultation on 2024–2034 long-term plan includes information relating to provision of water services

(1) An authority's 2024–2034 long-term plan is not invalid as a result of the authority having, before this Part came into force,—

(a) prepared 2024 long-term plan material that, contrary to the requirements of Part 6 of this schedule (as it applied immediately before this Part came into force), included information about the provision of water services; or

(b) consulted on its 2024–2034 long-term plan and, contrary to the requirements of Part 6 of this schedule (as it applied immediately before this Part came into force), the 2024 long-term plan material having included information about the provision of water services.

(2) In the circumstances described in subclause (1), any rates set, assessed, or collected by the authority are not invalidated because the 2024 long-term plan material included information about the provision of water services contrary to Part 6 of this schedule.

Schedule 1AA clause 44: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

45 Consultation document need not contain report from Auditor-General

(1) The consultation document for an authority's 2024–2034 long-term plan need not contain a report from the Auditor-General.

(2) Subclause (1) applies despite section 93C(4).

Schedule 1AA clause 45: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

46 Extended time frame for adopting 2024–2034 long-term plan

(1) An authority may adopt its 2024–2034 long-term plan no later than 30 September 2024.

(2) If an authority adopts its 2024–2034 long-term plan on or after 1 July 2024, but no later than 30 September 2024,—

(a) the authority's 2021–2031 long-term plan continues in force until the date on which the authority adopts its 2024–2034 long-term plan; and

(b) the authority may extend the authority's policy on development contributions or financial contributions so that the period to which it applies ends on the date on which the authority adopts its 2024–2034 long-term plan.

(3) Subclauses (1) and (2)(a) apply despite section 93(3).

Schedule 1AA clause 46: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

47 Extended time frame for adopting annual report

(1) This clause applies only if an authority decides to adopt its 2024–2034 long-term plan on or after 1 July 2024 but no later than 30 September 2024 under clause 46.

(2) The authority may complete and adopt, by resolution, its annual report for the 2023/2024 financial year no later than 31 December 2024.

(3) Subclause (2) applies despite section 98(3).

Schedule 1AA clause 47: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Option to defer long-term plan

Heading: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

48 Authority may defer adopting long-term plan

(1) An authority may defer adopting its 2024–2034 long-term plan by 1 year if—

(a) the authority resolves to do so, no later than 30 April 2024; or

(b) the authority is authorised to do so by an Order in Council.

(2) Subclause (1) applies despite section 93.

(3) For the purposes of subclause (1)(b), the Governor-General may, by Order in Council made on the recommendation of the Minister, authorise an authority to defer adopting its 2024–2034 long-term plan in accordance with this clause and clauses 49 to 53.

(4) An order made under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1AA clause 48: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

49 Consequences if authority defers adopting long-term plan

(1) If an authority defers adopting its 2024–2034 long-term plan in accordance with clause 48(1),—

(a) the authority must, no later than 30 June 2025, adopt a long-term plan that relates to the period from 1 July 2025 to 30 June 2034; and

(b) clause 45 does not apply to the consultation document for a long-term plan described in paragraph (a); and

(c) the authority must, after adopting the long-term plan under paragraph (a) but no later than 30 June 2027, adopt a long-term plan that relates to the period from 1 July 2027 to 30 June 2037; and

(d) the authority's 2021–2031 long-term plan continues in force until the date on which the authority's long-term plan that relates to the period from 1 July 2025 to 30 June 2034 comes into force; and

(e) the authority may extend the authority's policy on development contributions or financial contributions so that the period to which it applies ends on the date on which the authority's long-term plan that relates to the period from 1 July 2025 to 30 June 2034 comes into force; and

(f) the requirements relating to the authority's annual plan for the 2024/25 financial year remain in force (*see* section 95 and Part 2 of Schedule 10); and

(g) the authority's annual plan for the 2024/25 financial year must also include the additional information specified in clauses 50 to 52; and

(h) the authority must consult on its annual plan for the 2024/2025 financial year in accordance with clause 53.

(2) Subclause (1)(a) applies despite section 93(7)(a).

(3) Subclause (1)(c) applies despite section 93(3).

(4) Subclause (1)(d) applies despite section 93(3) and (7)(a).

Schedule 1AA clause 49: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

50 Additional information to be included in annual plan: groups of activities

(1) For the purposes of clause 49(1)(g), an authority's annual plan must, in relation to each group of activities of the authority,—

(a) identify the activities within the group of activities:

(b) identify the rationale for delivery of the group of activities (including the community outcomes to which the group of activities primarily contributes):

(c) outline any significant negative effects that any activity within the group of activities may have on the social, economic, environmental, or cultural well-being of the local community:

(d) in relation to the financial year covered by the plan, include the information specified in clauses 4(a), (b), (c), and (e), and 5 of Schedule 10 in detail.

(2) For the purpose of subclause (1), each of the following activities is a group of activities:

(a) water supply:

(b) sewerage and the treatment and disposal of sewage:

(c) stormwater drainage:

(d) flood protection and control works:

(e) the provision of roads and footpaths.

(3) An authority may treat any other activities as a group of activities.

(4) Subclause (3) applies despite subclause (2).

Schedule 1AA clause 50: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

51 Additional information to be included in annual plan: capital expenditure

(1) For the purposes of clause 49(1)(g), an authority's annual plan must, in relation to each group of activities of the authority and for the financial year covered by the plan, include a statement of the amount of capital expenditure that the authority has budgeted to—

(a) meet additional demand for an activity; and

(b) improve the level of service; and

(c) replace existing assets.

(2) For the purpose of subclause (1), capital expenditure budgeted for 2 or all of the purposes in subclause (1) may be treated as if it were made solely in relation to the primary purpose of the expenditure.

Schedule 1AA clause 51: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

52 Additional information to be included in annual plan: resolution not to balance operating budget

For the purposes of clause 49(1)(g), if the authority has resolved, under section 100(2), not to balance its operating budget in the year covered by the annual plan, the annual plan must include—

(a) a statement of the reasons for the resolution and any other matters taken into account; and

(b) a statement of the implications of the decision.

Schedule 1AA clause 52: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

53 Consultation on annual plan if authority defers adopting long-term plan

If an authority defers adopting its 2024–2034 long-term plan in accordance with clause 48(1),—

(a) the authority must consult in a manner that gives effect to the requirements of section 82 before adopting the annual plan for the 2024/25 financial year; and

(b) section 95(2A) does not apply.

Schedule 1AA clause 53: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Bylaws

Heading: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

54 Review of water services bylaws under section 158 or 159 may be deferred

(1) An authority may decide to defer a review required by section 158(1) or (2) or 159 if all the following requirements are met:

(a) the review relates only to a water services bylaw:

(b) for the water services bylaw, the 5-year period in section 158(1) or (2))b) or, as the case requires, the 10-year period in section 159 ends in the period between 15 December 2022 and 30 June 2024:

(c) the authority makes the decision in the bylaw transition period:

(d) the authority gives prompt public notice of the deferral:

(e) that public notice identifies clearly the water services bylaw.

(2) A deferral under subclause (1) has the results specified in subclauses (3) to (5).

(3) The review is required only if the water services bylaw is not revoked in the bylaw transition period.

(4) The review, if required, is required no later than 1 July 2026.

(5) For the purposes of section 160A, the last date on which the water services bylaw should have been reviewed under section 158 or 159 must be taken to be 1 July 2026.

(6) Subclauses (2) to (5) apply despite sections 158, 159, and 160A.

(7) In this clause,—

bylaw, without limiting the generality of that term as defined in section 5(1), includes—

(a) a set of bylaws; and

(b) an individual bylaw in a set of bylaws; and

(c) a provision within an individual bylaw

bylaw transition period means the period—

(a) starting on 15 December 2022; and

(b) ending on 31 December 2025

water services bylaw means a bylaw that relates to all or any of the following:

(a) water supply:

(b) wastewater:

(c) stormwater.

Schedule 1AA clause 54: inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Part 9
Provisions relating to Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024

Schedule 1AA Part 9: inserted, on 1 July 2024, by section 12(a) of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

55 Interpretation

In this Part,—

amendment Act means the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024

Auckland RFT reserve fund means the regional fuel tax reserve fund operated by the Auckland Council under section 65ZA of the Land Transport Management Act 2003 in relation to the Auckland RFT scheme

Auckland RFT scheme means the regional fuel tax scheme established by the Land Transport Management (Regional Fuel Tax Scheme—Auckland) Order 2018.

Schedule 1AA clause 55: inserted, on 1 July 2024, by section 12(a) of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

56 Transitional provision relating to revenue and financial policy

Section 103(2)(ia) continues to apply, as if it had not been repealed by the amendment Act, until the Auckland RFT reserve fund is spent.

Schedule 1AA clause 56: inserted, on 1 July 2024, by section 12(a) of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

57 Transitional provision relating to development contributions

Section 200(3)(a)(vi) continues to apply, as if it had not been repealed by the amendment Act, until the Auckland RFT reserve fund is spent.

Schedule 1AA clause 57: inserted, on 1 July 2024, by section 12(a) of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

58 Transitional provision relating to information to be included in annual reports

In Schedule 10, clause 34B continues to apply, as if it had not been repealed by the amendment Act, in relation to the annual report of the Auckland Council for any year in which the Auckland RFT reserve fund still contained revenue from the Auckland RFT scheme.

Schedule 1AA clause 58: inserted, on 1 July 2024, by section 12(a) of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

Schedule 1
Acts under which responsibilities, powers, and duties are conferred or imposed on Minister of Local Government and Secretary for Local Government

ss 18, 19

Bylaws Act 1910 (1910 No 28)

Land Drainage Act 1908 (1908 No 96)

Litter Act 1979 (1979 No 41)

Local Electoral Act 2001 (2001 No 35)

Local Government Act 1974 (1974 No 66)

Public Bodies Leases Act 1969 (1969 No 141)

Rangitaiki Land Drainage Act 1956 (1956 No 34)

Rates Rebate Act 1973 (1973 No 5)

River Boards Act 1908 (1908 No 165)

Schedule 2
Local authorities

ss 5(1), 21(3), 25(5), 27(4)

Part 1
Regional councils

Regional councils	Constituted by
Bay of Plenty Regional Council	Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275
Canterbury Regional Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Hawke's Bay Regional Council	Local Government (Hawke's Bay Region) Reorganisation Order 1989, *Gazette* 1989, p 2334
Manawatū–Whanganui Regional Council	Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Northland Regional Council	Local Government (Northland Region) Reorganisation Order 1989, *Gazette* 1989, p 2391
Otago Regional Council	Local Government (Otago Region) Reorganisation Order 1989, *Gazette* 1989, p 2408
Southland Regional Council	Local Government (Southland Region) Reorganisation Order 1989, *Gazette* 1989, p 2430
Taranaki Regional Council	Local Government (Taranaki Region) Reorganisation Order 1989, *Gazette* 1989, p 2445
Waikato Regional Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Wellington Regional Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
West Coast Regional Council	Local Government (West Coast Region) Reorganisation Order 1989, *Gazette* 1989, p 2517

Schedule 2 Part 1: amended, on 18 October 2019, by clause 3(2) of the Local Government (Manawatū–Whanganui Regional Council) Order 2019 (LI 2019/221).

Schedule 2 Part 1: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Part 2
Territorial authorities

City and District Councils	Constituted by
Ashburton District Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Auckland Council	section 6(1) of the Local Government (Auckland Council) Act 2009
Buller District Council	Local Government (West Coast Region) Reorganisation Order 1989, *Gazette* 1989, p 2517

City and District Councils	Constituted by
Carterton District Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
Central Hawke's Bay District Council	Local Government (Hawke's Bay Region) Reorganisation Order 1989, *Gazette* 1989, p 2334
Central Otago District Council	Local Government (Otago Region) Reorganisation Order 1989, *Gazette* 1989, p 2408
Chatham Islands Council	Chatham Islands Council Act 1995
Christchurch City Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Clutha District Council	Local Government (Otago Region) Reorganisation Order 1989, *Gazette* 1989, p 2408
Dunedin City Council	Local Government (Otago Region) Reorganisation Order 1989, *Gazette* 1989, p 2408
Far North District Council	Local Government (Northland Region) Reorganisation Order 1989, *Gazette* 1989, p 2391
Gisborne District Council	Local Government (Gisborne Region) Reorganisation Order 1989, *Gazette* 1989, p 2328
Gore District Council	Local Government (Southland Region) Reorganisation Order 1989, *Gazette* 1989, p 2430
Grey District Council	Local Government (West Coast Region) Reorganisation Order 1989, *Gazette* 1989, p 2517
Hamilton City Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Hastings District Council	Local Government (Hawke's Bay Region) Reorganisation Order 1989, *Gazette* 1989, p 2334
Hauraki District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Horowhenua District Council	Local Government (Manawatu–Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Hurunui District Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Hutt City Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
Invercargill City Council	Local Government (Invercargill City) Reorganisation Order 1990, *Gazette* 1990, p 2326
Kaikoura District Council	Local Government (Nelson–Marlborough Region) Reorganisation Order 1989, *Gazette* 1989, p 2375
Kaipara District Council	Local Government (Northland Region) Reorganisation Order 1989, *Gazette* 1989, p 2391
Kapiti Coast District Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
Kawerau District Council	Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275

City and District Councils	Constituted by
Mackenzie District Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Manawatu District Council	Local Government (Manawatu–Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Marlborough District Council	Local Government (Nelson–Marlborough Region) Reorganisation Order 1989, *Gazette* 1989, p 2375
Masterton District Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
Matamata-Piako District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Napier City Council	Local Government (Hawke's Bay Region) Reorganisation Order 1989, *Gazette* 1989, p 2334
Nelson City Council	Local Government (Nelson–Marlborough Region) Reorganisation Order 1989, *Gazette* 1989, p 2375
New Plymouth District Council	Local Government (Taranaki Region) Reorganisation Order 1989, *Gazette* 1989, p 2445
Ōpōtiki District Council	Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275
Ōtorohanga District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Palmerston North City Council	Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Porirua City Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
Queenstown-Lakes District Council	Local Government (Otago Region) Reorganisation Order 1989, *Gazette* 1989, p 2408
Rangitikei District Council	Local Government (Manawatu–Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Rotorua District Council	Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275
Ruapehu District Council	Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Selwyn District Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
South Wairarapa District Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
South Taranaki District Council	Local Government (Taranaki Region) Reorganisation Order 1989, *Gazette* 1989, p 2445
South Waikato District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Southland District Council	Local Government (Southland Region) Reorganisation Order 1989, *Gazette* 1989, p 2430
Stratford District Council	Local Government (Taranaki Region) Reorganisation Order 1989, *Gazette* 1989, p 2445

City and District Councils	Constituted by
Tararua District Council	Local Government (Manawatu–Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Tasman District Council	Local Government (Nelson–Marlborough Region) Reorganisation Order 1989, *Gazette* 1989, p 2375
Taupo District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Tauranga City Council	Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275
Thames-Coromandel District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Timaru District Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Upper Hutt City Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
Waikato District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Waimakariri District Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Waimate District Council	Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296
Waipa District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Wairoa District Council	Local Government (Hawke's Bay Region) Reorganisation Order 1989, *Gazette* 1989, p 2334
Waitaki District Council	Local Government (Otago Region) Reorganisation Order 1989, *Gazette* 1989, p 2408
Waitomo District Council	Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460
Wellington City Council	Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491
Western Bay of Plenty District Council	Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275
Westland District Council	Local Government (West Coast Region) Reorganisation Order 1989, *Gazette* 1989, p 2517
Whakatane District Council	Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275
Whanganui District Council	Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351
Whangarei District Council	Local Government (Northland Region) Reorganisation Order 1989, *Gazette* 1989, p 2391

Schedule 2 Part 2: amended, on 17 January 2020, by clause 3 of the Local Government (Ōpōtiki District Council) Order 2019 (LI 2019/331).

Schedule 2 Part 2: amended, on 17 January 2020, by clause 3 of the Local Government (Ōtorohanga District Council) Order 2019 (LI 2019/330).

Schedule 2 Part 2: amended, on 1 December 2015, by clause 3 of the Local Government (Whanganui District Council) Order 2015 (LI 2015/275).

Schedule 2 Part 2: amended, on 12 December 2012, by section 4 of the Local Government Act 2002 Amendment Act (No 2) 2012 (2012 No 107).

Schedule 2 Part 2: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 2 Part 2: amended, on 1 March 2004, by clause 5 of the Local Government (Tauranga City Council) Order 2003 (SR 2003/275).

Part 3
Boundaries

1 Boundaries of regions

(1) If any part of the boundary of a region is the sea, that boundary is the outer limits of the territorial sea of New Zealand.

(2) A region must be defined, as far as practicable, so that it does not contain a fraction of the district of a territorial authority.

(3) If the boundaries of a district that are the same as the boundaries of part of any region are altered,—

(a) the alteration also has effect with respect to the region; and

(b) the boundaries of the region are altered accordingly.

(4) Subclause (3) applies subject to the Order in Council made under section 25.

Compare: 1974 No 66 s 37O

Schedule 2 Part 3 clause 1(4): amended, on 5 December 2012, by section 35 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

2 Boundaries of districts

(1) If any part of the boundary of a district is the sea, that boundary may be between the mean high-water mark and the outer limit of the territorial sea of New Zealand as determined by the Order in Council defining the district.

(2) If a river or stream runs between 2 or more districts, wholly or in part, the boundaries of the relevant districts, for the purposes of this Act, extend to the middle line of the river or stream and follow its natural course.

(3) If the boundaries of a district are altered and all or part of the boundaries concerned were the same as the boundaries of any region,—

(a) the alteration also has effect with respect to the boundaries of that part of the region; and

(b) the boundaries of the region are altered accordingly.

(4) Subclause (3) applies subject to the Order in Council made under section 25.

Compare: 1974 No 66 s 37P

Schedule 2 Part 3 clause 2(4): amended, on 5 December 2012, by section 35 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

3 Unitary authorities

(1) A territorial authority that is a unitary authority has—

(a) the responsibilities, duties, and powers of a territorial authority in respect of the district for which it was constituted; and

(b) the responsibilities, duties, and powers of a regional council in respect of the region over which it has control.

(2) If a territorial authority is a unitary authority, the boundaries of the district of the territorial authority and those of the region over which it has control, except the seaward boundaries, are the same.

4 Savings provisions for unitary authorities

If, immediately before the commencement of this Act, a territorial authority has, under section 37N of the Local Government Act 1974, the responsibilities, duties, and powers of a regional council as well as its own responsibilities, duties, and powers, then the territorial authority—

(a) continues to have the responsibilities, duties, and powers of the regional council; and

(b) is a unitary authority for the purposes of this Act.

5 Adjustments to boundaries

(1) The Minister may, by notice in the *Gazette*, alter the boundaries of a district or region to include or exclude—

(a) land reclaimed from the sea adjacent to the district or region; or

(b) land, including any island, that in the Minister's opinion should be included in or excluded from the district or region and in respect of which there are no electors.

(2) Despite subclause (1),—

(a) land reclaimed from the sea (whether lawfully or unlawfully) adjoining a district or region forms part of that district or region; and

(b) if the reclaimed land forms part of 2 or more districts or regions, the boundary or boundaries between those districts or regions must be determined by the Minister by notice in the *Gazette*.

Schedule 3
Reorganisation of local authorities

s 24

Schedule 3: replaced, on 5 December 2012, by section 36 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Contents

		Page
1	Overview	315
2	Interpretation	317
	Part 1 **Reorganisation investigations**	
	Subpart 1—Reorganisation initiatives and investigation requests	
3	Who may propose reorganisation initiative or make investigation request	319
4	Contents of reorganisation initiative or investigation request	320
5	Action on receipt of reorganisation initiative or investigation request	320
	Subpart 2—Reorganisation investigations	
6	Factors Commission must have regard to when deciding whether to undertake reorganisation investigation	321
7	Commission must adopt reorganisation investigation process	322
8	Commission may require assistance and undertake inquiries when conducting investigations and preparing reorganisation plan	324
9	Commission may issue report	324
10	Objectives that Commission must consider in reorganisation investigation	324
11	Completion of investigation	325
12	Promotion of good local government *[Repealed]*	325
13	Procedure after preferred option determined *[Repealed]*	325
	Part 2 **Reorganisation plans**	
	Subpart 1—Adoption and notification of reorganisation plan	
12	Commission may adopt reorganisation plan	325
13	Notification of reorganisation plan	326
	Subpart 1A—Content of reorganisation plans	
14	Content of reorganisation plan	327
15	Local boards	329
16	Cities	330
17	Appropriate boundaries	330
18	Representation	331

19	Communities	331
19A	Transfer of functions	331
19B	Committees and joint committees	332
19C	Local authorities with joint roles	333
20	Consultation on proposal *[Repealed]*	334
21	Decisions on draft proposals *[Repealed]*	334
22	Notification of final proposal *[Repealed]*	334
	Subpart 1B—Local authority-led reorganisation applications	
22A	Local authorities may develop and adopt reorganisation plan	334
22B	Application to Commission	334
22C	Commission review of local authority-led reorganisation application	335
	Subpart 2—Polls	
23	Application of this subpart	336
24	Petition to require poll *[Repealed]*	337
25	Poll to be held	337
26	Timing of poll	337
27	Official result of poll	338
28	Fate of reorganisation plan after poll	338
	Subpart 3—Advertising	
29	Interpretation	338
30	Advertising in relation to polls	339
31	Provision of referential information	340
32	Authorisation of advertising	340
	Part 3 **Transition bodies**	
33	Application	341
34	Establishment and purpose of transition body	341
35	Composition and membership of transition body	342
36	Roles and functions of transition body	343
37	Accountability arrangements for transition body	344
38	Appointment of interim chief executive	344
39	Interim chief executive may appoint staff, enter into contracts, and call first meeting of local authority	345
40	Apportionment of transition costs	345
	Part 4 **Reorganisation implementation schemes**	
	Subpart 1—Preparation of reorganisation implementation schemes	
41	Preparation of reorganisation implementation scheme	346

Subpart 2—Contents of and provisions that apply to reorganisation implementation schemes

42 Provisions for inclusion in reorganisation implementation scheme 347
42A Content of reorganisation implementation scheme in respect of local boards 348
43 Provisions to be included if necessary or desirable 348

Subpart 3—Implementation and effect of reorganisations

44 Application 351
45 Provisions that apply to reorganisation unless modified or excluded 351
46 Bylaws 353
47 No compensation payable if responsibility transferred 354
48 Payment if trading undertaking transferred 354
49 Employees 354
50 KiwiSaver Act 2006 does not apply to transferred employee 355
51 Certain matters not affected by transfer of responsibilities, duties, or powers 355
52 Registers 355
53 Apportionment of assets and liabilities 356
54 Apportionment of fuel tax revenue 357

Subpart 4—Tax treatment of assets transferred in reorganisation

55 Application 357
56 General treatment 358
57 Income and expenditure 358
58 Holding companies 358
59 Valuation of assets 359
60 Apportionment on transfers to multiple receiving entities 359
61 Goods and services tax 359
62 Associated persons 360

1 Overview

(1) This clause—

(a) provides a guide to the scheme of this schedule; and

(b) does not affect the interpretation or application of any provision of this schedule.

(2) Clause 2 contains definitions of terms used in this schedule.

(3) Part 1 contains 2 subparts, as follows:

(a) subpart 1—

(i) provides that a reorganisation initiative or an investigation request may be submitted to the Commission by—

(A) 1 or more affected local authorities; or

(B) a group comprising at least 10% of electors in the affected area; or

(C) the Minister; and

(ii) specifies what a reorganisation initiative and an investigation request must contain; and

(iii) empowers the Commission to decide whether to undertake an investigation in response to a reorganisation initiative or an investigation request; and

(b) subpart 2—

(i) authorises the Commission to develop, document, and publish the process for an investigation; and

(ii) authorises the Commission to issue reports, with recommendations to which a local authority must respond, in the course of an investigation.

(4) Part 2 contains 5 subparts, as follows:

(a) subpart 1 empowers the Commission to develop and adopt reorganisation plans; and

(b) subpart 1A—

(i) prescribes what a reorganisation plan may contain; and

(ii) provides for the Commission to issue and notify a reorganisation plan; and

(c) subpart 1B empowers 1 or more local authorities to—

(i) develop and publicly consult on a reorganisation plan; and

(ii) submit the reorganisation plan to the Commission for approval; and

(d) subpart 2 provides for the holding of a poll on plans for major reorganisations; and

(e) subpart 3 places restrictions on advertising by a local authority to promote or oppose a reorganisation plan in the period from the issue of the plan to when a poll is held. This subpart contains an exception for publication of material that is factual or referential.

(5) Part 3 provides for the establishment of transition bodies and related matters.

(6) Part 4 contains 4 subparts, as follows:

(a) subpart 1 requires the Commission to prepare a reorganisation implementation scheme if no poll is required on a reorganisation plan, or if a poll has been held and has not defeated the reorganisation plan; and

(b) subpart 2 specifies the matters the Commission must and may include in a reorganisation implementation scheme; and

(c) subpart 3 contains provisions that apply to a reorganisation unless amended or declared not to apply to that reorganisation by a reorganisation order; and

(d) subpart 4 contains provisions that establish the tax treatment of assets transferred in a reorganisation.

Schedule 3 clause 1(3): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 1(4): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 1(6): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

2 Interpretation

In this schedule, unless the context otherwise requires,—

affected area,—

(a) in relation to a reorganisation investigation, means an area affected, or potentially affected, by 1 or more of the matters to be investigated; and

(b) in relation to a reorganisation initiative or plan (other than an initiative or plan that relates solely to 1 or more matters described in section 24(1)(i) to (m)), means—

(i) an area that would be included in the district or region of a new or different local authority if local government in relation to the area were to be reorganised in accordance with the initiative or plan:

(ii) an area that would remain in the district or region of a local authority with changed responsibilities, duties, or powers if local government in relation to the area were to be reorganised in accordance with the initiative or plan:

(c) in relation to a reorganisation initiative or plan that relates solely to 1 or more matters described in section 24(1)(i) to (m) (which relates to local board areas),—

(i) for the purposes of any of clauses 3(1)(b), 4(1)(b)(i), 4(1)(c)(ii), and 5(1)(a), means the area of the local board or proposed local board; and

(ii) for all other purposes, means the area comprising the district of the unitary authority; and

(d) in the case of a plan to which clause 23(1)(e) applies (which relates to the transfer from one local authority to another of responsibilities, duties, and powers under the Resource Management Act 1991 or in relation to water services or transport services) means the districts or regions of both local authorities

affected elector means—

(a) a person who is a residential elector (within the meaning of section 23 of the Local Electoral Act 2001), if the address in respect of which the person is registered is in an affected area:

(b) a person who is a ratepayer elector (within the meaning of section 24 of the Local Electoral Act 2001), if the person is qualified as a ratepayer elector in respect of a rating unit in an affected area

affected iwi or hapū means an iwi or a hapū with interests within the affected area, and includes any entity or organisation identified by Te Puni Kōkiri as representing those interests

applicant means the person making a reorganisation application

implementation date means the date specified in an Order in Council made under section 25A(1) as the date on which the local government reorganisation described in the order takes effect

investigation request means a request to the Commission by a group comprising at least 10% of electors in an affected area, a local authority, or the Minister, in accordance with clause 3, to conduct a reorganisation investigation into an issue or a matter but without proposing a particular reorganisation

public notice, in relation to a notice of a reorganisation investigation or reorganisation plan given by the Commission,—

(a) means a notice published—

(i) in 1 or more newspapers circulating in the affected area; and

(ii) on the Internet site of the Commission; and

(b) includes any other notice that the Commission thinks desirable in the circumstances

reorganisation implementation scheme means a scheme prepared under Parts 3 and 4 of this schedule to give effect to a reorganisation plan

reorganisation initiative or **initiative** means a request to the Commission by a group comprising at least 10% of electors in an affected area, a local authority, or the Minister, to consider a proposed reorganisation

reorganisation investigation or **investigation** means an investigation by the Commission under Part 1 of this schedule, in response to a reorganisation initiative or an investigation request, that may result in the development and adoption of a reorganisation plan

reorganisation order means an Order in Council made under section 25 or 25A

reorganisation plan means a plan that includes 1 or more of the matters in section 24 and that is—

(a) adopted by the Commission, during or after an investigation; or

(b) adopted by 1 or more local authorities in accordance with clause 22A.

Schedule 3 clause 2 **affected area**: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **affected area** paragraph (d): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Schedule 3 clause 2 **affected iwi or hapū**: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **implementation date**: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **investigation request**: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **local board reorganisation application**: repealed, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **public notice**: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **reorganisation application**: repealed, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **reorganisation implementation scheme**: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **reorganisation initiative** or **initiative**: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **reorganisation investigation** or **investigation**: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **reorganisation order**: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 2 **reorganisation plan**: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 1
Reorganisation investigations

Schedule 3 Part 1: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 1—Reorganisation initiatives and investigation requests

Schedule 3 Part 1 subpart 1 heading: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

3 Who may propose reorganisation initiative or make investigation request

(1) A reorganisation initiative may be proposed, or an investigation request may be made, to the Commission by—

(a) 1 or more affected local authorities:

(b) a group of at least 10% of electors in the affected area:

(c) the Minister.

(2) The reorganisation initiative or investigation request must be submitted to the chief executive officer of the Commission.

Schedule 3 clause 3: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

4 Contents of reorganisation initiative or investigation request

(1) A reorganisation initiative or an investigation request must include the following:

(a) the name and address of the person submitting the initiative or request; and

(b) if the initiative or request is submitted by a group of electors under clause 3(1)(b),—

(i) evidence that the group comprises at least 10% of electors in the affected area; and

(ii) the name and address of the person who is the representative of those persons; and

(c) in the case of an initiative, a description of the proposed changes, including (but not limited to)—

(i) which of the matters listed in section 24(1) is being sought; and

(ii) a plan or other description sufficient to identify the affected area or affected areas concerned; and

(iii) an explanation of the outcome that the proposed changes are seeking to achieve; and

(d) in the case of an investigation request, a description of the matter, issue, problem, or opportunity to be investigated.

(2) A reorganisation initiative may include—

(a) any information requested or recommended in any guidelines issued by the Commission; and

(b) any other information that demonstrates that the initiative has community support in the affected area; and

(c) any other information that the person submitting the initiative considers relevant to the Commission's consideration of the initiative.

Schedule 3 clause 4: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

5 Action on receipt of reorganisation initiative or investigation request

(1) As soon as practicable after receiving a reorganisation initiative or an investigation request, the Commission must,—

(a) if the initiative or request was submitted by a group of electors, confirm that the group comprises at least 10% of electors in the affected area

(and, if not, notify the person who submitted the initiative or request that the Commission will not undertake an investigation); and

(b) decide whether to undertake an investigation, having regard to the factors listed in clause 6; and

(c) notify the person who submitted the initiative or request, or that person's representative, of its decision; and

(d) if the Commission decides not to undertake an investigation, explain the reasons for that decision in the notice under paragraph (c); and

(e) if the Commission decides to undertake an investigation, notify the affected local authorities of that decision.

(2) Before making a decision under subclause (1)(b), the Commission must consult the local authorities that would be affected by the reorganisation initiative or the requested investigation.

Schedule 3 clause 5: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 2—Reorganisation investigations

Schedule 3 Part 1 subpart 2 heading: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

6 Factors Commission must have regard to when deciding whether to undertake reorganisation investigation

When deciding whether to undertake a reorganisation investigation under clause 5(1)(b), the Commission must have regard to—

(a) the purpose of reorganisation set out in section 24AA; and

(b) the potential scale and scope of improvements to local governance and services that might result from the investigation; and

(c) the potential costs, disruption, and other negative effects on affected local authorities and their communities that may be caused by the investigation; and

(d) any time or other constraints that apply to the opportunity to achieve potential improvements to local governance and services; and

(e) the need for urgent resolution of any problem identified by the Commission, or in the investigation request or reorganisation initiative; and

(f) the resources available to the Commission to undertake the investigation in a timely manner; and

(g) the likelihood of significant community opposition to any reorganisation that might result from the investigation.

Schedule 3 clause 6: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

7 Commission must adopt reorganisation investigation process

(1) As soon as practicable after it makes a decision under clause 5(1)(b) to undertake a reorganisation investigation, the Commission must determine and adopt a process for the investigation and record that process in writing.

(2) The process document must set out how the Commission intends to undertake the investigation, including—

(a) the matters to be investigated; and

(b) the affected area and the local authorities affected by the investigation; and

(c) the procedure and timetable for the investigation; and

(d) each affected iwi or hapū, and how and when they will be given an opportunity to engage with the investigation; and

(e) the key stakeholders, and how and when they will be given an opportunity to engage with the investigation; and

(f) how and when members of the public will be consulted on the investigation and any proposed recommendations or reorganisation plans that may result; and

(g) any other matter that the Commission considers relevant.

(3) In determining the matters referred to in subclause (2), and in undertaking an investigation, the Commission must have regard to the following principles:

(a) early information should be available to the public and stakeholders about the issues to be investigated, the process to be followed, and the opportunities for public input; and

(b) the process should be in proportion to the scale, scope, and potential impact of the identified issues and of any reorganisation plan that may result from the investigation; and

(c) the process should recognise the relevant evidence and information that the Commission already holds; and

(d) the process should recognise and reflect the nature and extent of the interests of affected iwi or hapū in the outcome of the investigation; and

(e) the process should provide persons, entities, and organisations who wish to have their views on the subject matter of the investigation considered by the Commission with a reasonable opportunity to present those views to the Commission; and

(f) the extent and nature of public and stakeholder engagement should—

(i) reflect the degree of public interest (including of each affected iwi or hapū) in the issues and in any reorganisation plan that may result from the investigation; and

(ii) reflect the importance of—

(A) stakeholder input; and

(B) community engagement; and

(C) public acceptance of the process and the potential outcome; and

(iii) appropriately balance the costs and benefits of different processes.

(4) Before adopting a process document under subclause (1), the Commission must—

(a) consult affected local authorities on the proposed process or amendment; and

(b) consult all affected iwi or hapū about whether, and how, the proposed reorganisation investigation, or any reorganisation plan that may result from the investigation, may affect their relationship with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga, or affect their relationships with local authorities.

(5) The Commission may adopt an amendment to a process document under subclause (1) at any time and must do so if there is a significant departure from the process.

(6) The Commission must, as soon as practicable after adopting or amending a process document,—

(a) publish the process document in full on its Internet site; and

(b) give public notice within the affected area of the publication and location of the process document; and

(c) notify the following of the publication and location of the process document:

(i) all affected local authorities; and

(ii) affected iwi or hapū; and

(iii) *[Repealed]*

(iv) key stakeholders identified by the Commission.

Schedule 3 clause 7: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 7(2)(a): amended, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 3 clause 7(4)(a): replaced, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 3 clause 7(6)(c): replaced, on 15 December 2022, by section 223 of the Water Services Entities Act 2022 (2022 No 77).

Schedule 3 clause 7(6)(c)(iii): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

8 Commission may require assistance and undertake inquiries when conducting investigations and preparing reorganisation plan

(1) In conducting an investigation or preparing a reorganisation plan, the Commission may require a local authority that is affected by the investigation or the plan to provide information to assist the Commission.

(2) In conducting an investigation or preparing a reorganisation plan, the Commission may undertake inquiries and consultation in relation to the investigation or plan with any persons, bodies, and groups that it considers appropriate.

Schedule 3 clause 8: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

9 Commission may issue report

(1) The Commission may, at any time during a reorganisation investigation, or at the completion of the investigation, issue a report and make recommendations to any local authority on any matter arising in the course of, or ancillary to, the investigation.

(2) Section 26A applies to a report and recommendations under this clause.

Schedule 3 clause 9: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

10 Objectives that Commission must consider in reorganisation investigation

In assessing the desirability of options for the reorganisation of local government within the affected area, the Commission must take into account how best to achieve—

(a) better fulfilment of the purpose of local government as specified in section 10; and

(b) productivity improvements within the affected local authorities; and

(c) efficiencies and cost savings; and

(d) assurance that any local authority established or changed has the resources necessary to enable it to effectively perform or exercise its responsibilities, duties, and powers; and

(e) effective responses to the opportunities, needs, and circumstances of the affected areas; and

(f) enhanced effectiveness, efficiency, and sustainability of local government services; and

(g) better support for the ability of local and regional economies to develop and prosper; and

(h) enhanced ability of local government to meet the changing needs of communities for governance and services into the future; and

(i) effective provision for any co-governance and co-management arrangements that are established by legislation (including Treaty of Waitangi

claim settlement legislation) and that are between local authorities and iwi or Māori organisations.

(j) *[Repealed]*

Schedule 3 clause 10: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 10(j): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

11 Completion of investigation

As soon as practicable after completing an investigation, the Commission must—

(a) give public notice of the completion of the investigation; and

(b) notify all affected local authorities, affected iwi or hapū, and key stakeholders of the completion of the investigation; and

(c) record the completion of the investigation on its Internet site.

Schedule 3 clause 11: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

12 Promotion of good local government

[Repealed]

Schedule 3 clause 12: repealed, on 22 October 2019, pursuant to section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

13 Procedure after preferred option determined

[Repealed]

Schedule 3 clause 13: repealed, on 22 October 2019, pursuant to section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 2
Reorganisation plans

Schedule 3 Part 2 heading: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 1—Adoption and notification of reorganisation plan

Schedule 3 Part 2 subpart 1 heading: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

12 Commission may adopt reorganisation plan

(1) The Commission may, during or at the completion of a reorganisation investigation,—

(a) develop 1 or more reorganisation plans; and

(b) adopt 1 or more reorganisation plans that meet the requirements of subpart 1A of this Part.

(2) In deciding whether to adopt a reorganisation plan, the Commission must have regard to—

(a) the scale of the potential benefits of the proposed changes in terms of the objectives set out in clause 10 and the likelihood of those benefits being realised; and

(b) the financial, disruption, and opportunity costs of implementing the proposed changes at the proposed time; and

(c) the risks and consequences of not implementing the proposed changes at the proposed time; and

(d) existing communities of interest and the extent to which the proposed changes will maintain linkages between communities (including iwi and hapū) and sites and resources of significance to them; and

(e) the degree and distribution of demonstrable public support for the proposed changes within communities in the affected area; and

(f) the degree and distribution of any public opposition to the proposed changes within communities in the affected area.

(g) *[Repealed]*

(3) The Commission must not adopt a reorganisation plan under this clause that affects the application of any Act that establishes co-governance or co-management arrangements between local authorities and iwi or Māori organisations (including Treaty of Waitangi claim settlement legislation), without first consulting all iwi or Māori organisations to whom that Act applies, the Attorney-General, and the Minister for Treaty of Waitangi Negotiations.

(4) A reorganisation plan to which subclause (3) applies must provide for the same level and scope of participation in decision making by iwi or Māori organisations as the arrangement specified in the Act referred to in that subclause.

(5) *[Repealed]*

(6) *[Repealed]*

Schedule 3 clause 12: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 12(2)(g): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 3 clause 12(5): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 3 clause 12(6): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

13 Notification of reorganisation plan

(1) As soon as practicable after adopting a reorganisation plan, the Commission must—

(a) give public notice of the plan and, in the notice, specify where copies of the plan may be inspected; and

(b) take any other action that it considers necessary to inform persons, bodies, and groups that the Commission identifies as having an interest in the plan.

(2) The Commission must attach to the reorganisation plan a full and detailed statement that—

(a) explains how the plan will achieve the objectives set out in clause 10; and

(b) provides a balanced assessment of the reorganisation plan and outlines the advantages and disadvantages of the proposal including, but not limited to, the advantages and disadvantages of—

(i) the creation or alteration of any district or region; and

(ii) the exclusion of any remaining area of a district or region affected by the proposal; and

(iii) any changes to the responsibilities of each affected local authority; and

(iv) any change to how a local government service is managed and provided.

Schedule 3 clause 13: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 1A—Content of reorganisation plans

Schedule 3 Part 2 subpart 1A heading: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

14 Content of reorganisation plan

(1) Before adopting a reorganisation plan under clause 12, the Commission must ensure that the plan complies with the requirements in this clause.

(2) The reorganisation plan must describe, for each affected local authority proposed to be continued,—

(a) the type of local authority; and

(b) the name of the district or region of the local authority; and

(c) the nature and extent of any proposed changes to—

(i) the boundaries of the district or region; and

(ii) the representation arrangements of the local authority; and

(iii) the extent to which the areas of interest of affected iwi or hapū are included in the district or region; and

(iv) in the case of a unitary authority, any local board areas and any local boards of the local authority; and

(v) any communities and any community boards of the local authority; and

(vi) the committees of the local authority; and

(vii) the statutory obligations of the local authority; and

(viii) any constraints imposed on the local authority's exercise of the discretion conferred by section 12(2); and

(ix) *[Repealed]*

(d) any other matters the Commission considers necessary or desirable.

(3) The reorganisation plan must describe, for each local authority proposed to be established,—

(a) the type of local authority; and

(b) the name of the district or region of the local authority; and

(c) the boundaries of the district or region; and

(d) the representation arrangements of the local authority; and

(e) the names and areas of interest of all affected iwi or hapū; and

(f) any local board areas and any local boards of the local authority; and

(g) any communities and any community boards of the local authority; and

(ga) *[Repealed]*

(h) any other matters the Commission considers necessary or desirable.

(4) However, the Commission may, if it considers it more appropriate to do so, defer including in a reorganisation plan the representation arrangements or community board arrangements, or both, and include them in the reorganisation implementation scheme.

(4A) *[Repealed]*

(5) The reorganisation plan must also—

(a) contain information about the role, powers, and composition of the transition body, including—

(i) whether the transition body will include a transition board; and

(ii) if a transition board will be included in a transition body, how each affected local authority will be represented on the transition board and whether the transition board will include other persons; and

(iii) whether an interim chief executive will be appointed for any local authority under clause 38; and

(iv) if an interim chief executive will be appointed, which of the powers listed in clause 39(1) may be exercised by the interim chief executive; and

(b) have attached to it a full and detailed explanation of the advantages and disadvantages of the plan and of how it will promote good local government.

Schedule 3 clause 14: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 14(2)(c)(ix): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 3 clause 14(3)(ga): repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 3 clause 14(4A) : repealed, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

15 Local boards

(1) Before adopting a reorganisation plan under clause 12 that proposes the continuation or constitution of a unitary authority, the Commission must ensure that the plan complies with the requirements in this clause.

(2) In preparing the reorganisation plan, the Commission may include provisions for 1 or more local boards if it considers that good local government of the district of the unitary authority would be best promoted by providing for local boards in all or part of the district.

(3) Provisions for local boards must be consistent with subpart 1A of Part 4 of this Act.

(4) If a reorganisation plan includes provision for local boards, that plan must, in addition to the matters specified in clause 14, specify—

(a) the number and names of local board areas within the district; and

(b) the boundaries of—

(i) each local board area; and

(ii) electoral subdivisions, if any, of each local board area; and

(c) the number of elected members of the local board for each local board area and, if a local board area is subdivided for electoral purposes, the number of members to be elected by the electors of each subdivision; and

(d) whether each local board may include members appointed by the governing body of the unitary authority in accordance with section 48E(b); and

(e) for each local board, whether the chairperson of the local board is to be—

(i) elected by the members of the local board from among themselves using one of the systems of voting set out in clause 25(3) and (4) of Schedule 7; or

(ii) directly elected to that office by the electors of the local board area.

(5) In determining the matters referred to in subclause (4)(a), (b), (c), or (d), the Commission must ensure that—

(a) the boundaries of the local board areas will—

(i) enable democratic local decision making by, and on behalf of, communities throughout the district; and

(ii) enable equitable provision to be made for the current and future well-being of all communities within the affected area; and

(b) the boundaries of local board areas and any subdivisions of those areas coincide with boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(c) so far as is practicable, local board area boundaries coincide with ward boundaries.

(6) Clause 14(4) does not apply to a reorganisation plan under subclause (2).

(7) To avoid doubt, clauses 14(3)(g) and 19 do not apply to any local board area included in a reorganisation plan under subclause (2).

Schedule 3 clause 15: replaced, on 8 August 2014, by section 69 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 3 clause 15(1): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 15(2): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 15(4): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 15(6): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 15(7): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

16 Cities

A reorganisation plan may not provide that a territorial authority is to be called a city council unless the district of the territorial authority—

(a) has a population of not less than 50 000 persons; and

(b) is predominantly urban; and

(c) is a distinct entity and a major centre of activity.

Schedule 3 clause 16: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

17 Appropriate boundaries

In determining boundaries for a reorganisation plan, the Commission must ensure that,—

(a) if practicable, the boundaries of regions conform with catchment boundaries; and

(b) if practicable, the boundaries of districts conform with the boundaries of regions; and

(c) the boundaries of regions and the boundaries of districts conform with the boundaries of statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

Schedule 3 clause 17: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

18 Representation

In determining the representation arrangements of a local authority for a reorganisation plan or (if clause 14(4) applies) a reorganisation implementation scheme, the Commission must—

(a) have regard to the existing electoral and representation arrangements of the affected local authorities; and

(b) provide fair and effective representation for individuals and communities of the local authority; and

(c) comply with the requirements of the Local Electoral Act 2001; and

(d) take into account the responsibilities, duties, and powers of the local authority.

Schedule 3 clause 18: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

19 Communities

When preparing a reorganisation plan or (if clause 14(4) applies) a reorganisation implementation scheme, the Commission may consider whether good local government of any affected district would be best promoted by—

(a) a system of communities and the responsibilities, duties, and powers of the community boards in the district; or

(b) an alternative to an existing system of communities; or

(c) a change in the responsibilities, duties, and powers of the community boards in the district.

Schedule 3 clause 19: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

19A Transfer of functions

(1) Before adopting a reorganisation plan under clause 12 that proposes the transfer of a responsibility, duty, power, or discretionary function, the Commission must ensure that the plan complies with the requirements in this clause.

(2) Without limiting section 24(1)(e), a reorganisation plan may provide for the transfer of a responsibility, duty, power, or discretionary function—

(a) from a regional council to a territorial authority or from a territorial authority to a regional council; or

(b) from one regional council to another; or

(c) from one territorial authority to another.

(3) The transfer of a responsibility, duty, power, or discretionary function may apply in respect of all or part of the region or territory of the transferring regional council or territorial authority.

(4) Before adopting a reorganisation plan that provides for the transfer of a responsibility, duty, or power, the Commission must consult the Minister responsible for the enactment that confers the responsibility, duty, or power on the affected local authorities.

(5) If a reorganisation plan includes the transfer of a discretionary function, the plan may—

(a) prohibit the local authority from which the discretionary function is to be transferred from undertaking any specified activity or incurring expenses for any specified purpose; and

(b) require the local authority to which the discretionary function is to be transferred to achieve specified service levels in the provision of that function.

(6) If the reorganisation plan includes the transfer of a responsibility, duty, power, or discretionary function to a territorial authority or regional council outside the district or region to which the transferred matter relates, the plan must prescribe the constitution of committees or other governance arrangements that will ensure that—

(a) persons and communities in each district or region to which the responsibility, duty, power, or discretionary function relates are represented in decision making that relates to that responsibility, duty, power, or discretionary function; and

(b) the territorial authority or regional council is accountable to all persons and communities affected by the performance or exercise of the responsibility, duty, or power, or by the provision of the discretionary function.

Schedule 3 clause 19A: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

19B Committees and joint committees

(1) Before adopting a reorganisation plan under clause 12 that proposes the establishment of 1 or more committees of a local authority, or 1 or more joint committees, the Commission must ensure that the plan complies with the requirements in this clause.

(2) The reorganisation plan may provide for the establishment of 1 or more—

(a) committees and joint committees that are permanent committees; or

(b) committees and joint committees that must not be disestablished before a date specified in the plan.

(3) The reorganisation plan may specify—

(a) the membership of a committee:

(b) the terms of reference of a committee:

(c) any delegations to the committee:

(d) when and how the matters in paragraphs (a) to (c) may be varied.

(4) If the reorganisation plan provides for a joint committee of an affected local authority with 1 or more other local authorities or other public bodies, it may specify—

(a) the membership of the joint committee:

(b) the terms of reference of the joint committee:

(c) any delegations to the joint committee by the affected local authority:

(d) when and how the matters in paragraphs (a) to (c) may be varied:

(e) any other matter relating to the appointment, operation, or responsibilities of the joint committee.

(5) The Commission must not adopt a reorganisation plan that includes provision for a joint committee without first obtaining the written agreement of every public body, other than an affected local authority, that is to be a party to the joint committee.

Schedule 3 clause 19B: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

19C Local authorities with joint roles

(1) This clause applies if a reorganisation plan under clause 12 provides for the performance and exercise by a local authority of both—

(a) the responsibilities, duties, and powers of a regional council in respect of a region; and

(b) the responsibilities, duties, and powers of a territorial authority in respect of a district that constitutes a part only of that region.

(2) Before adopting the reorganisation plan, the Commission must ensure that it prescribes the constitution of committees or other governance arrangements that will ensure that—

(a) persons and communities in the region and the district to which the roles relate are represented in the performance or exercise of the responsibilities, duties, and powers of the regional council and the territorial authority respectively; and

(b) the bodies performing and exercising the responsibilities, duties, and powers of the regional council and territorial authority respectively are each accountable to all affected persons and communities.

Schedule 3 clause 19C: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

20 Consultation on proposal

[Repealed]

Schedule 3 clause 20: repealed, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

21 Decisions on draft proposals

[Repealed]

Schedule 3 clause 21: repealed, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

22 Notification of final proposal

[Repealed]

Schedule 3 clause 22: repealed, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 1B—Local authority-led reorganisation applications

Schedule 3 Part 2 subpart 1B: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

22A Local authorities may develop and adopt reorganisation plan

(1) One or more local authorities may develop and adopt a reorganisation plan in accordance with this clause.

(2) Except as provided in subclause (3), subparts 1 and 1A of this Part apply to every reorganisation plan developed under subclause (1) as if references to the Commission in those subparts were references to the local authority or local authorities developing the plan.

(3) Clause 14(4) does not apply to a reorganisation plan under this clause.

(4) A local authority intending to develop a reorganisation plan under this clause must ensure that written notice of that intention is given to the Commission as soon as is reasonably practicable.

Schedule 3 clause 22A: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 22A(2): amended, on 31 August 2023, by section 47 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

22B Application to Commission

(1) One or more local authorities may submit a reorganisation plan adopted under clause 22A to the Commission in accordance with this clause (a **local authority-led reorganisation application**).

(2) The reorganisation plan must be accompanied by—

(a) a statement that complies with clause 13(2); and

(b) a report from each affected local authority, adopted by that local authority, that records—

(i) that local authority's unconditional support for the plan; and

(ii) the public consultation undertaken by that local authority; and

(iii) the themes and outcomes of that consultation.

Schedule 3 clause 22B: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

22C Commission review of local authority-led reorganisation application

(1) As soon as practicable after receiving a local authority-led reorganisation application submitted in accordance with clause 22B, the Commission must review that application.

(2) The Commission must approve the reorganisation plan to which the local authority-led reorganisation application relates unless—

(a) the reorganisation plan is not accompanied by the documentation required by clause 22B; or

(b) the Commission considers, on reasonable grounds, that—

(i) the provisions in subparts 1 and 1A of this Part were not complied with in developing the plan, as required by clause 22A(2); or

(ii) the plan does not have the support of affected communities.

(3) The Commission must not approve the reorganisation plan to which the local authority-led reorganisation application relates if subclause (2)(a) or (b) applies.

(4) If the Commission approves a reorganisation plan under this clause,—

(a) subparts 2 and 3 of this Part do not apply; and

(b) Parts 3 and 4 of this schedule apply as if the plan had been adopted under clause 12.

(5) As soon as practicable after the Commission approves a reorganisation plan under this clause,—

(a) the Commission must notify each affected local authority of its decision; and

(b) the Minister must determine whether to recommend the making of an Order in Council under section 25.

(6) If the Commission does not approve a reorganisation plan under this clause, the Commission—

(a) must notify each affected local authority of its decision and the reasons for it; and

(b) may undertake an investigation into any matter related to the content of the local authority-led reorganisation application.

Schedule 3 clause 22C: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 2—Polls

23 Application of this subpart

(1) This subpart applies to a reorganisation plan adopted under clause 12 that provides for any of the following matters:

(a) the union of districts or regions:

(b) the constitution of a new district or region, including the constitution of a new local authority for that district or region:

(c) the abolition of a district or region, including the dissolution or abolition of the local authority for that district or region:

(d) the assumption by a territorial authority of the powers of a regional council as a unitary authority:

(e) the transfer from one local authority to another of—

(i) responsibilities, duties, and powers in relation to water services or transport services; or

(ii) responsibilities, duties, and powers under the Resource Management Act 1991.

(2) Despite subclause (1)(e), this subpart does not apply to a transfer of responsibilities, duties, and powers described in that subclause if the Commission is satisfied, on reasonable grounds, that the transfer—

(a) is not a major transfer; or

(b) has the support of all affected local authorities.

(3) For the purposes of subclause (2), a transfer of responsibilities, duties, and powers is a **major transfer** if the responsibilities, duties, or powers to be transferred—

(a) represent 50% or more of the transferring local authority's operational expenditure, or assets, or staff, in respect of water services, transport services, or resource management functions (as the case may be); or

(b) include responsibility for preparing a policy statement, plan, variation, or plan change under the Resource Management Act 1991.

Schedule 3 clause 23: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 23(1)(e)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Schedule 3 clause 23(3)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

24 Petition to require poll

[Repealed]

Schedule 3 clause 24: repealed, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

25 Poll to be held

(1) A poll of electors on the reorganisation plan must be held in the affected area.

(2) Except as otherwise provided in this Part, a poll under this clause must be held under the Local Electoral Act 2001 and the provisions of that Act apply, with any necessary modifications, to the conduct of the poll.

(3) The Commission must ensure that 1 electoral officer is designated to conduct the poll and to declare the official result of the poll under clause 27.

(4) The costs of the poll are to be apportioned among the affected local authorities on the basis of the number of affected electors on the electoral rolls of the affected local authorities.

Schedule 3 clause 25(1): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

26 Timing of poll

(1) A poll required by clause 25 must be held on a date determined by the Commission in accordance with this clause.

(2) In determining the date on which a poll is to be held, the Commission must consult the electoral officer required to conduct the poll.

(3) The Commission must, as soon as practicable after complying with subclause (2), give written notice of the date determined under subclause (1) to the Secretary, to the chief executive of each affected local authority, and to the electoral officer required to conduct the poll.

(4) The electoral officer who receives written notification under subclause (3) must, within 7 days after receiving the notification, give public notice of—

(a) the poll; and

(b) the place or places at which the reorganisation plan and the explanatory statement may be inspected.

(5) The date determined under subclause (1) for the conduct of the poll must,—

(a) if written notice under subclause (3) is to be given on or after 28 September and before 21 November in any year, be a day not earlier than 17 February and not later than 24 February in the following year; and

(b) if written notice under subclause (3) is to be given on or after 21 November and before 16 December in any year, be a day not earlier than 14 March and not later than 21 March in the following year; and

(c) if written notice under subclause (3) is to be given on or after 16 December in any year and before 13 January in the following year, be a day not

earlier than 11 April and not later than 18 April in that following year; and

(d) in any other case, be a day not later than 89 days after the day on which written notice under subclause (3) is given to the electoral officer.

Schedule 3 clause 26(4)(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 26(5)(a): amended, on 26 March 2015, by section 5(1) of the Local Government Act 2002 Amendment Act 2015 (2015 No 21).

Schedule 3 clause 26(5)(b): amended, on 26 March 2015, by section 5(2) of the Local Government Act 2002 Amendment Act 2015 (2015 No 21).

Schedule 3 clause 26(5)(c): amended, on 26 March 2015, by section 5(3) of the Local Government Act 2002 Amendment Act 2015 (2015 No 21).

Schedule 3 clause 26(5)(d): amended, on 26 March 2015, by section 5(4) of the Local Government Act 2002 Amendment Act 2015 (2015 No 21).

27 Official result of poll

The electoral officer must,—

(a) when declaring the official result of the poll under section 86 of the Local Electoral Act 2001, include a statement of—

(i) the total number of electors on the roll or rolls compiled for the purpose of the poll; and

(ii) the total number of valid votes cast:

(b) as soon as practicable after declaring the result, notify the Secretary, the chief executive of each affected local authority, and the Commission of the result.

28 Fate of reorganisation plan after poll

(1) If more than 50% of the valid votes cast in the poll are for a reorganisation plan then clause 41 applies.

(2) In every other case, the reorganisation plan must not proceed.

Schedule 3 clause 28 heading: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 28(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 28(2): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 3—Advertising

29 Interpretation

In this subpart, unless the context otherwise requires,—

advertising means advertising in any medium

publish, in relation to advertising,—

(a) means to bring to the notice of a person in any manner, including (but not limited to)—

(i) displaying in any medium:

(ii) distributing by any means:

(iii) delivering to an address:

(iv) leaving at a place:

(v) sending by post or otherwise:

(vi) printing in a newspaper or other periodical:

(vii) broadcasting by any means:

(viii) disseminating by means of the Internet or any other electronic medium:

(ix) storing electronically in a way that is accessible to the public:

(x) incorporating in a device for use with a computer:

(xi) inserting in a film or video; but

(b) excludes addressing 1 or more persons face to face

specified period means the period commencing on the day after the date on which public notice of the plan is first given under clause 13 and ending with the close of the day on which the poll is held.

Schedule 3 clause 29 **specified period**: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

30 Advertising in relation to polls

(1) A local authority affected by a reorganisation plan may not, at any time in a specified period, do anything (including publishing any advertising) that—

(a) involves the expenditure of the authority's money or use of the authority's resources; and

(b) promotes or opposes the implementation of the reorganisation plan or a provision of the reorganisation plan.

(2) This clause does not apply to—

(a) any investigations or research undertaken by, or on behalf of, the local authority that relate to the reorganisation plan or its effects; or

(b) the making of submissions or other representations to the Commission by the local authority; or

(c) the publication of any news or comment relating to the reorganisation plan or the poll in any medium by any person other than the local authority; or

(d) anything done to comply with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987.

Schedule 3 clause 30(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 30(1)(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 30(2)(a): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 30(2)(c): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

31 Provision of referential information

(1) Clause 30 does not preclude a local authority affected by a reorganisation plan from publishing material that—

(a) does not expressly or impliedly promote or oppose the reorganisation plan; but

(b) contains factual or referential material presented—

(i) in a balanced way; and

(ii) to assist electors considering voting in a poll to make a better-informed decision.

(2) A local authority may (but does not have to) seek a ruling from the Commission that material proposed to be published by the local authority under subclause (1) complies with that subsection.

(3) If the Commission provides a ruling that the material complies with subclause (1), then publication of the material by the local authority is to be treated as published in accordance with subclause (1).

Schedule 3 clause 31(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 31(1)(a): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 31(1)(b)(ii): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

32 Authorisation of advertising

(1) A person may not publish advertising that promotes or opposes the implementation of the reorganisation plan or a provision of the reorganisation plan unless the advertising contains a statement setting out the name and address of the person who initiated or instigated the publication of the advertising.

(2) In subclause (1), **address** means,—

(a) in relation to an individual,—

(i) the full street address of the place where the individual usually lives; or

(ii) the full street address of any other place where the individual can usually be contacted between the hours of 9 am and 5 pm on any working day:

(b) in relation to a body corporate or unincorporated,—

(i) the full street address of the body's principal place of business; or

(ii) the full street address of the body's head office.

Schedule 3 clause 32(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 3
Transition bodies

33 Application

This subpart applies to a reorganisation plan that is adopted under clause 12 and notified under clause 13 and in relation to which—

(a) a poll, under clause 25,—

(i) has not been held because subpart 2 of Part 2 of this schedule does not apply to the reorganisation plan; or

(ii) has been held and more than 50% of the valid votes cast in the poll are for the reorganisation plan; and

(b) an Order in Council giving effect to the reorganisation plan has been made under section 25(1).

Schedule 3 clause 33: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 33(a)(i): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 33(a)(ii): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 33(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

34 Establishment and purpose of transition body

(1) This clause applies to a transition body established by an Order in Council giving effect to a reorganisation plan under section 25(1).

(2) The purpose of a transition body is to—

(a) work with the Commission on, and facilitate local input into, the development of the reorganisation implementation scheme to complete the reorganisation plan; and

(b) provide advice to the Commission and affected local authorities, as appropriate, on practical matters relating to the reorganisation implementation scheme; and

(c) do anything else requested by the Commission in relation to the development and implementation of the reorganisation implementation scheme.

(3) The transition body is established and continues in existence during the following periods:

(a) between the day on which a reorganisation plan is given effect to by Order in Council under section 25(1) and the day on which the reorganisation implementation scheme is given effect to by Order in Council under section 25A(1) (**phase 1**); and

(b) between the day on which the reorganisation implementation scheme is given effect to and the implementation date (**phase 2**).

(4) To avoid doubt, different arrangements for the roles, functions, membership, and accountability of the transition body may apply during phase 1 and phase 2.

Schedule 3 clause 34(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 34(2)(a): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 34(2)(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 34(2)(c): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 34(3)(a): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 34(3)(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

35 Composition and membership of transition body

(1) A transition body—

(a) must include an implementation team; and

(b) may include a transition board.

(2) In developing a reorganisation plan, the Commission must determine whether or not a transition board is required by the type and scale of the changes proposed to be made by the reorganisation.

(3) However, a transition body must include a transition board if the reorganisation plan involves—

(a) the establishment of 1 or more new local authorities; or

(b) a significant change to 1 or more of the affected local authorities.

(4) A transition body must be broadly representative of the affected area.

(5) Members of the transition body must be appointed by the Commission, which may seek advice or nominations from the affected local authorities.

(6) The Commission must appoint, on such terms and conditions as it thinks fit, a person to be the manager of the implementation team.

(7) If a transition body includes a transition board,—

(a) the majority of the members of the transition board must be elected members of the affected local authorities; and

(b) persons who are not elected members of affected local authorities may be appointed as non-voting members of the transition board to provide particular expertise that elected members do not have or are unlikely to have.

Schedule 3 clause 35(2): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 35(3): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

36 Roles and functions of transition body

(1) A transition body is responsible for—

(a) undertaking the roles and responsibilities specified in an Order in Council under section 25(1); and

(b) preparing and implementing a change management plan to guide the transition to the new arrangements specified in a reorganisation scheme; and

(c) carrying out any other actions that the Commission considers are necessary or desirable for the transition to the new arrangements.

(2) During phase 1, the role of a transition board may include 1 or more of the following functions:

(a) making recommendations to the Commission on matters of policy:

(b) providing advice to the Commission:

(c) exercising any powers and responsibilities delegated by the Commission to it.

(3) If the appointment of an interim chief executive is provided for in the Order in Council under section 25(1), the transition board must make that appointment.

(4) The role of an implementation team may include 1 or more of the following functions:

(a) giving effect to decisions made by—

(i) the transition board; and

(ii) the Commission; and

(iii) affected local authorities:

(b) providing advice on technical and operational matters to—

(i) the transition board; and

(ii) the Commission; and

(iii) affected local authorities:

(c) providing support to the interim chief executive, if an interim chief executive is appointed.

37 Accountability arrangements for transition body

(1) During phase 1, the transition body is responsible to the Commission for the performance of its role, responsibilities, and functions under clause 36.

(2) During phase 2,—

(a) if a transition body includes a transition board,—

(i) members of the transition board are to represent the interests of the communities within the affected area; and

(ii) the manager of the implementation team is responsible to the transition board; and

(b) if a transition body does not include a transition board, the manager of the implementation team is responsible to the chief executive of each of the affected local authorities.

38 Appointment of interim chief executive

(1) If an Order in Council under section 25(1) provides for the appointment of an interim chief executive for a local authority, the transition board must, as soon as practicable, appoint a chief executive for the local authority.

(2) The term of an interim chief executive's appointment must end—

(a) not earlier than 2 years after the effective date of the appointment; and

(b) not later than 3 years after the implementation date specified in the Order in Council.

(3) In making an appointment under subclause (1), the transition board must have regard to—

(a) the matters that a local authority must consider in relation to appointing an interim chief executive under clause 33 of Schedule 7; and

(b) the skills and experience required of a chief executive in order to—

(i) prepare for the establishment of the local authority on the implementation date; and

(ii) exercise, to the extent authorised by Order in Council, the powers set out in clause 39; and

(iii) provide effective leadership of the staff and management of the systems and resources of the local authority in the early years of its existence.

39 Interim chief executive may appoint staff, enter into contracts, and call first meeting of local authority

(1) A chief executive appointed under clause 38 may, if authorised by the Order in Council,—

(a) employ, on behalf of the local authority, staff for the local authority with a start date before the implementation date; and

(b) employ, on behalf of the local authority, staff for the local authority with a start date on or after the implementation date; and

(c) on behalf of the local authority, enter into contracts, leases, and other agreements to enable the local authority to operate efficiently and effectively on and from the implementation date; and

(d) exercise the duties of a chief executive under clause 21 of Schedule 7 to call, before the implementation date, the first meeting of the local authority to be held on or after that date.

(2) The chief executive must exercise the powers in subclause (1) in accordance with the change management plan developed under clause 36(1)(b) and any other protocols or processes developed by the Commission.

(3) For the purposes of this clause, the chief executive must exercise the powers and perform the functions described in this clause as if the local authority were established, and—

(a) any appointment under subclause (1)(a) and (b) made by him or her before the implementation date is—

(i) deemed to be made with the express authority of the local authority; and

(ii) valid and enforceable; and

(b) any contract, lease, or other agreement entered into under subclause (1)(c) by him or her before the implementation date is—

(i) deemed to be entered into with the express authority of the local authority; and

(ii) valid and enforceable.

(4) Despite subclause (3), all costs and other obligations associated with any appointment, contract, lease, or other agreement made by the chief executive under subclause (1) and incurred before the implementation date must be apportioned between the affected local authorities in accordance with the determination of the Commission under clause 40.

40 Apportionment of transition costs

(1) The Commission must, as soon as practicable after an Order in Council is made under section 25(1), determine how the costs associated with the transition will be apportioned between the affected local authorities.

(2) Before making a determination under subclause (1), the Commission must consult every affected local authority.

(3) This clause applies to—

(a) the costs associated with—

(i) the operation of the transition body or transition bodies; and

(ii) the appointment and employment of the interim chief executive; and

(b) the costs referred to in clause 39(4).

Part 4
Reorganisation implementation schemes

Schedule 3 Part 4 heading: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 1—Preparation of reorganisation implementation schemes

Schedule 3 Part 4 subpart 1 heading: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

41 Preparation of reorganisation implementation scheme

(1) This clause applies in relation to a reorganisation plan that is given effect to by an Order in Council under section 25(1).

(2) The Commission must prepare and issue a reorganisation implementation scheme that—

(a) sets out the detail of the reorganisation described in the reorganisation plan and describes how it is to be implemented; and

(b) is consistent with the reorganisation plan, this Act, and any other enactment; and

(c) promotes good local government in a way that meets the needs and preferences of affected communities.

(3) In preparing a reorganisation implementation scheme, the Commission—

(a) must consult the Secretary; and

(b) may consult or make inquiries of any other persons, bodies, or groups that it thinks fit.

(4) The Commission may delegate, wholly or in part, to a transition body the responsibility for preparing a reorganisation implementation scheme, but the Commission retains responsibility for ensuring, before the Commission issues it, that the reorganisation implementation scheme complies with subclause (2)(a) to (c).

Schedule 3 clause 41 heading: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 41(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 41(2): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 41(2)(a): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 41(2)(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 41(3): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 41(4): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 2—Contents of and provisions that apply to reorganisation implementation schemes

Schedule 3 Part 4 subpart 2 heading: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

42 Provisions for inclusion in reorganisation implementation scheme

(1) In preparing a reorganisation implementation scheme, the Commission—

(a) must set out again the matters specified in clause 14(2) and (3); and

(b) must include the provisions that are necessary to give effect to the scheme and, in particular, must include—

(i) the provisions specified in clause 43 that are considered necessary or desirable as a consequence of the scheme; and

(ii) any provisions considered necessary for—

(A) the purposes of the district or region of an affected local authority; or

(B) the discharge of the responsibilities of an affected local authority; or

(C) any other matter that is necessary or desirable to give effect to the provisions; and

(c) may provide that 1 or more of the provisions of clauses 45 and 46—

(i) apply to the scheme with modifications; or

(ii) do not apply; and

(d) may provide for—

(i) the application, with the modifications that may be necessary or desirable, of any provisions of any Act for the time being in force that are considered appropriate to the particular matter; and

(ii) without limiting subparagraph (i), the exercise—

(A) by a territorial authority of any statutory obligation conferred on regional councils by any Act; or

(B) by a regional council of any statutory obligation conferred on territorial authorities by any Act; and

(e) may make provision for any arrangements the Commission considers necessary or desirable for the purposes of the reorganisation; and

(f) may incorporate any other matters that it considers necessary or appropriate to give effect to the reorganisation plan.

(2) If the Commission has, under clause 14(4), deferred including representation arrangements or community board arrangements, or both, in a reorganisation plan, the Commission must include the representation arrangements or community board arrangements, or both, in the reorganisation implementation scheme.

Schedule 3 clause 42 heading: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 42(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 42(1)(d): replaced, on 8 August 2014, by section 69 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 3 clause 42(1)(f): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 42(2): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

42A Content of reorganisation implementation scheme in respect of local boards

Without limiting clause 42, a reorganisation implementation scheme in respect of a reorganisation plan to which clause 15(2) applies—

(a) must make, in accordance with section 48L, an initial allocation between the unitary authority's governing body and the local board of decision-making responsibility for the non-regulatory activities of the unitary authority within each local board area; and

(b) may specify delegations to any local board in accordance with clause 36C of Schedule 7.

Schedule 3 clause 42A: replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

43 Provisions to be included if necessary or desirable

(1) If considered necessary or desirable, the following provisions may be included in a reorganisation implementation scheme:

(a) provisions necessary for the first or any election or appointment of members of a local authority or community board affected by the scheme:

(b) provisions that are necessary for the effective transition and future carrying out of responsibilities, duties, powers, or discretionary functions that are to be transferred—

(i) from one local authority to another local authority; or

(ii) from 1 or more local authorities to a joint committee; or

(iii) from a joint committee to 1 or more local authorities:

(c) provisions dealing with the requirements and application of long-term plans, annual plans, and annual reports as provided for under this enactment:

(d) provisions dealing with the requirements in any enactment that relate to plans, programmes, and strategies, including (but not limited to) regional land transport programmes and regional land transport strategies under the Land Transport Management Act 2003:

(e) provisions dealing with—

(i) the administration of an existing, proposed, or operative district plan or regional plan under the Resource Management Act 1991:

(ii) the administration of any designations, resource consents, and notices of requirement under the Resource Management Act 1991, but subject to sections 81 to 180 of that Act:

(f) if an area is included in the district of another territorial authority, provisions that the civil defence emergency management group plan for the district in which the area is included applies to the area so included and is the only operative local civil defence plan to apply in that area:

(g) if a new district or region is constituted, provisions that every civil defence emergency management group plan that is in force in respect of any area included in that district or region continues in force until a new plan is prepared and approved for the district under the Civil Defence Emergency Management Act 2002:

(h) provisions requiring the establishment, by 1 or more affected local authorities, of a council-controlled organisation, which may specify—

(i) the initial constitution of the council-controlled organisation; and

(ii) the objectives and responsibilities of the council-controlled organisation; and

(iii) the nature and content of any agreement under section 17A required between the council-controlled organisation and any affected local authority; and

(iv) any other matter relating to the establishment of the council-controlled organisation that the Commission considers desirable:

(ha) provisions for committees for the first term of an affected local authority, which may specify—

(i) the initial membership of a committee; and

(ii) the terms of reference of a committee; and

(iii) any initial delegations to a committee:

(hb) provisions for a joint committee of an affected local authority, with 1 or more other local authorities or other public bodies, which may specify—

(i) the initial membership of the committee; and

(ii) the terms of reference of the committee; and

(iii) any initial delegations to the committee by the affected local authority; and

(iv) any other matter relating to the appointment, operation, or responsibilities of the joint committee that the Commission considers desirable:

(i) provisions dealing with the apportionment or disposition of the assets and liabilities of all or any of the local authorities affected by the scheme, which provisions may include the date on which any of the apportionment or disposition takes place or may be treated as having taken place:

(j) provisions dealing with the transfer, in accordance with clause 49, of employees of the local authorities affected by the scheme:

(k) provisions concerning rating in a new district or region, or enlarged district or region, which may—

(i) specify the date by which a single integrated rating system must be adopted in the district or region; and

(ii) specify the valuation system for any general rate forming part of the initial integrated rating system; and

(iii) specify the basis on which rates may be set and assessed within the district or region between the date the order takes effect and the date specified under subparagraph (i), which may include the use of different rating systems for specified rates, or for specified rates in different parts of the district or region; and

(iv) make such other provision for the transition to, or implementation of, the single integrated rating system as the Commission considers desirable:

(l) if a district or region is abolished and the whole or any part of it is included in the district or region of another local authority, provisions for the representation of the district or region being abolished or part of it on the other local authority until the next triennial general election of members of the other local authority.

(2) The Commission must not include provision for a joint committee in a reorganisation implementation scheme without the written agreement of—

(a) every local authority, other than an affected local authority, that is to be a party to the joint committee; and

(b) every other public body that is to be a party to the joint committee.

Schedule 3 clause 43(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 43(1)(b): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 43(1)(e): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Schedule 3 clause 43(1)(h): replaced, on 8 August 2014, by section 69 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 3 clause 43(1)(ha): inserted, on 8 August 2014, by section 69 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 3 clause 43(1)(hb): inserted, on 8 August 2014, by section 69 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 3 clause 43(2): inserted, on 8 August 2014, by section 69 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 3 clause 43(2): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Subpart 3—Implementation and effect of reorganisations

44 Application

(1) This subpart applies—

(a) in relation to a reorganisation on and from the implementation date; and

(b) to the extent that the matters in this subpart have not already been provided for in an Order in Council made under section 25(1) giving effect to a reorganisation plan.

(2) *[Repealed]*

Schedule 3 clause 44(1)(a): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 44(1)(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 44(2): repealed, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

45 Provisions that apply to reorganisation unless modified or excluded

The following provisions apply to a reorganisation unless amended by a reorganisation order or declared by a reorganisation order not to apply:

(a) the local authority that assumes, under the scheme, jurisdiction over an area formerly comprising or forming part of a separate district or region, or that takes over the responsibilities of a local authority, has, and may exercise, and is responsible for,—

(i) all the powers, duties, acts of authority, and responsibilities that were previously exercised by the former local authority, or that would have been exercised by it if it had remained in existence or in control of that area:

(ii) all the liabilities, obligations, engagements, and contracts that were previously the responsibility of the former local authority, or that would have been its responsibility if it had remained in existence or in control of that area:

(iii) all the actions, suits, and proceedings pending by or against the former local authority, or that would have been its responsibility if it had remained in existence or in control of that area:

(b) the responsibilities, duties, and powers of the mayor, chairperson, and chief executive of the former local authority must be exercised by the mayor, chairperson, and chief executive of its successor:

(c) all real and personal property vested in an abolished local authority vests in its successor, subject to all existing encumbrances:

(d) a local authority that assumes jurisdiction over an area that was formerly part of a separate district or region has, subject to all existing encumbrances, vested in it all the land situated in that area that was vested in the local authority that formerly had jurisdiction over that area:

(e) all rates or levies and other money payable in respect of an abolished local authority, or of an area of land included in the district or region of another local authority, are due and payable to the new local authority:

(f) if the area of an abolished district or region comprises part only of another district or region,—

(i) any money to the credit of the abolished local authority's accounts must, after all liabilities have been provided for, be expended to the benefit of the residents of that area; and

(ii) any money required to be paid into the accounts of the abolished local authority to meet any deficiency must be raised within the area of the abolished local authority:

(g) the rights or interests of creditors of a district or region are not affected:

(h) the valuation rolls, electoral rolls, and rate records in force in the district or region of an abolished local authority, or in relation to any part of the district or region of a local authority included in the district or region of another local authority, continue in force in the district or region of the new controlling local authority until those rolls or records are made by that local authority, and, until that time, the Local Government (Rating) Act 2002 applies:

(i) except in the circumstances specified in clause 1, 2, 4, or 5 of Schedule 7, if part of a district or region is excluded from that district or

region and included in another district or region, the members of the local authority of the first-mentioned district or region continue to be members of that district or region as if that part had not been excluded from the district or region.

Schedule 3 clause 45 heading: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 45: amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

46 Bylaws

(1) The provisions of this clause apply unless amended by a reorganisation order or declared by the reorganisation order not to apply.

(2) Subclauses (3) to (8) apply to bylaws if—

(a) they are in force in all or part of a district or region that, under a reorganisation order, is included in the jurisdiction of a local authority other than the local authority that made them; and

(b) they are in force immediately before the implementation date; and

(c) they are not excluded from the application of this clause by the reorganisation order.

(3) On and from the implementation date, the bylaws are deemed to have been made by the local authority assuming jurisdiction of the area.

(4) Each bylaw must be reviewed by the local authority assuming jurisdiction over the area at the time and in accordance with the requirements of any enactment under which it was made, or last reviewed, by the authority that made it.

(5) Each bylaw remains in force, in the area to which it applied immediately before the commencement of the reorganisation order, for a period of 5 years, and is then revoked, unless before that period ends—

(a) the local authority assuming jurisdiction of the area confirms the bylaw, in which case the confirmed bylaw becomes a bylaw made by that local authority and remains in force until it expires or is revoked; or

(b) the local authority assuming jurisdiction of the area amends the bylaw, in which case the bylaw as amended becomes a bylaw made by that local authority and remains in force until it expires or is revoked; or

(c) the local authority assuming jurisdiction of the area revokes the bylaw.

(6) The local authority assuming jurisdiction of the area must use the special consultative procedure before confirming, amending, or revoking a bylaw under subclause (5)(a), (b), or (c).

(7) If section 159 applies to a bylaw confirmed or amended under this clause, for the purposes of that section the date of the confirmation or amendment of the bylaw must be treated as if it were the date of the last review of the bylaw.

(8) In this clause, **bylaw** includes—

(a) a set of bylaws; and

(b) an individual bylaw in a set of bylaws; and

(c) a provision within an individual bylaw.

Schedule 3 clause 46(1): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

47 No compensation payable if responsibility transferred

(1) If provision is made in a reorganisation order for a responsibility, duty, power, or discretionary function to be transferred to, or assumed by, a local authority or joint committee, provision may not be made for the payment of compensation to the local authority from which that responsibility, duty, power, or discretionary function is transferred or assumed.

(2) This clause applies subject to clauses 48 and 53.

Schedule 3 clause 47(1): replaced, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

48 Payment if trading undertaking transferred

(1) If a reorganisation order provides for the transfer of a trading undertaking from a local authority (the **transferor**) to any other local authority (the **transferee**), the transferor may request the Commission to determine whether any payment for the transfer of the trading undertaking should be made by the transferee to the transferor and, if so, the amount of the payment.

(2) The Commission may, in considering a request under subclause (1), require the local authorities to each appoint an independent person as an assessor to report to the Commission on whether any payment should be made.

(3) The costs incurred by assessors must be met jointly by the local authorities appointing the assessors.

(4) The Commission may make a determination under this clause subject to any conditions that it considers desirable.

49 Employees

(1) This clause applies where—

(a) a local authority (**local authority A**) ceases to exist under a reorganisation and its district or region is included in the district or region of another local authority (**local authority B**); or

(b) a reorganisation implementation scheme provides, under clause 43(j) for the transfer of employees from a local authority **(local authority A)** to another local authority (**local authority B**).

(2) On and from the implementation date, a person who was, immediately before that date, an employee of local authority A becomes an employee of local authority B.

(3) For the purposes of every enactment law, award, determination, contract, and agreement relating to the employment of the person,—

(a) his or her employment agreement is unbroken; and

(b) the period of his or her service with local authority A is to be treated as a period of service with local authority B.

(4) The terms and conditions of employment of the person with local authority B are—

(a) identical to the terms and conditions of his or her employment with local authority A immediately before the implementation date; and

(b) capable of variation in the same manner.

(5) The person is not entitled to receive any payment or other benefit because he or she has, under this Act, ceased to be an employee of local authority A and become an employee of local authority B.

Schedule 3 clause 49(1)(a): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3 clause 49(1)(b): amended, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

50 KiwiSaver Act 2006 does not apply to transferred employee

The transfer of an employee's employment under clause 49 does not constitute new employment for the purposes of the KiwiSaver Act 2006.

51 Certain matters not affected by transfer of responsibilities, duties, or powers

A reorganisation order does not—

(a) place a local authority or other person in breach of contract or confidence or otherwise make the local authority or other person guilty of a civil wrong; or

(b) give rise to a right for a person to terminate or cancel any contract or arrangement, or to accelerate the performance of an obligation; or

(c) place a local authority or other person in breach of any enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or

(d) release a surety wholly or in part from an obligation; or

(e) invalidate or discharge a contract or security.

52 Registers

(1) The Registrar-General of Land or other person charged with the keeping of books or registers is not required solely by reason of a reorganisation order to change the name of the transferor to that of the transferee in those books or registers or other documents.

(2) The presentation to the Registrar-General of Land or other person of an instrument, whether or not comprising an instrument of transfer by the transferee, is, in the absence of proof to the contrary, sufficient evidence that the property is vested in the transferee if the instrument—

(a) is executed, or purports to be executed, by the transferee; and

(b) is related to property held by the transferor; and

(c) contains a recital that the property has become vested in the transferee by virtue of a reorganisation order made under this Act.

53 Apportionment of assets and liabilities

(1) If a reorganisation order does not make provision for the apportionment of the assets and liabilities of the local authorities affected by the order, the local authorities may, by agreement, determine the manner in which those assets and liabilities must be apportioned.

(2) If an agreement is not entered into by the local authorities concerned within 3 months after the date of the coming into force of the reorganisation order, a local authority directly affected may apply to the Commission for an order apportioning assets and liabilities, and the Commission must make an order directing the manner in which assets and liabilities must be apportioned among the local authorities concerned.

(3) For the purpose of deciding an application to the Commission under subclause (2), the Commission—

(a) must consult the Auditor-General and the local authorities directly affected; and

(b) may make the inquiries that it thinks fit; and

(c) may obtain advice from any other person who, in the opinion of the Commission, has expert knowledge concerning any aspect of the matter to be decided.

(4) In the exercise of its powers under subclause (2), the Commission may identify the assets and liabilities to be transferred, and assets and liabilities to be transferred must include all amounts and items that properly ought to be treated as being of the same character, irrespective of how they may be described in the accounts or records of any local authority.

(5) An order of the Commission under subclause (2) may be enforced as if it were an agreement between the local authorities concerned.

(6) For the purposes of the Income Tax Act 2007, the Goods and Services Tax Act 1985, and the Accident Compensation Act 2001, a local authority constituted under a reorganisation order is deemed to be the same local authority as each of the local authorities whose district, region, or functions are wholly transferred to that local authority.

54 Apportionment of fuel tax revenue

(1) Despite Part 11 of the Local Government Act 1974, the local authorities established or affected by a reorganisation order may, by agreement, determine that the proceeds of fuel tax levied under that Part are to be distributed among them other than in accordance with that Part.

(2) If agreement under subclause (1) cannot be reached within 3 months after the date on which the reorganisation order comes into force, any of those local authorities may apply to the Commission for an order determining the matter in accordance with clause 53(2) to (5).

(3) An agreement under subclause (1), or an order under subclause (2), applies only to the end of the first financial year that commences after the date on which the reorganisation order comes into force.

Subpart 4—Tax treatment of assets transferred in reorganisation

Schedule 3 Part 4 subpart 4: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

55 Application

(1) This subpart applies for the purposes of the Inland Revenue Acts when, in a reorganisation described in section 24 of this Act,—

(a) the assets and liabilities of a terminating entity (the **transferring entity**) become the assets and liabilities of a receiving entity (the **receiving entity**):

(b) some or all of the assets and liabilities of a continuing entity (the **transferring entity**) become the assets and liabilities of another entity (the **receiving entity**):

(c) the voting interests and market value interests of a notional single person in a local authority (the **transferring entity**) become the voting interests and market value interests of a notional single person in another entity (the **receiving entity**).

(2) In this clause and in clauses 56 to 61,—

date of transfer means the date on which assets and liabilities, or voting interests and market value interests, of a transferring entity become assets and liabilities, or voting interests and market value interests, of a receiving entity

Inland Revenue Acts has the meaning given by section 3(1) of the Tax Administration Act 1994

transfer means a method of conveying assets and liabilities, or voting interests and market value interests, to a receiving entity so that the assets and liabilities, or voting interests and market value interests, that the transferring entity has before the date on which the conveyance takes place become the assets and liabilities, or voting interests and market value interests, of the receiving entity on and after that date.

(3) In this subpart, terms defined in the Inland Revenue Acts have the meanings given by those Acts.

(4) If there is a conflict between a provision of this subpart and clause 6 of Schedule 9, the provision in this subpart prevails.

Schedule 3 clause 55: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

56 General treatment

For tax purposes, and in relation to a transfer,—

(a) a receiving entity is treated from the date of transfer as the same person as the transferring entity:

(b) a thing done by a transferring entity before the date of transfer is treated as done by the receiving entity on the date on which it was done by the transferring entity:

(c) a receiving entity is treated as having held the voting interests and market value interests without interruption from the date on which the transferring entity acquired them.

Schedule 3 clause 56: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

57 Income and expenditure

An amount of income derived or expenditure incurred by a transferring entity before the date of transfer does not become income or expenditure of the receiving entity merely because the assets and liabilities of the transferring entity have become the assets and liabilities of the receiving entity.

Schedule 3 clause 57: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

58 Holding companies

(1) When an asset other than shares of a transferring entity becomes the asset of a receiving entity, the difference between the market value of the asset and any attributed liability is available subscribed capital of the receiving entity.

(2) An amount arising from a sale or transfer of shares of a transferring entity is not assessable income of the receiving entity when—

(a) the shares have become the asset of the receiving entity through a reorganisation under section 24; and

(b) the receiving entity—

(i) sells the shares and distributes the proceeds to or through a holding company of the entity; or

(ii) transfers the shares to a holding company of the entity.

Schedule 3 clause 58: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

59 Valuation of assets

(1) For an asset that is a financial arrangement, trading stock, or revenue account property, the value is established as follows:

(a) if income derived from the asset is exempt income of a transferring entity and is not exempt income of a receiving entity, the receiving entity is treated as having acquired the asset on the date of transfer at its market value on that date:

(b) if income derived from the asset is not exempt income of a transferring entity and is exempt income of a receiving entity, the transferring entity is treated as having disposed of the asset on the date of transfer at its market value on that date.

(2) For an asset that is an item of depreciable property, the value is established as follows:

(a) if income derived from the asset is exempt income of a transferring entity and is not exempt income of a receiving entity, the receiving entity is treated as having acquired the property on the date of transfer at its accounting carrying value on that date:

(b) if income derived from the asset is not exempt income of a transferring entity and is exempt income of a receiving entity, the transferring entity is treated as having disposed of the property on the date of transfer at its adjusted tax value on that date.

Schedule 3 clause 59: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

60 Apportionment on transfers to multiple receiving entities

(1) This clause applies when the assets and liabilities of, or interests in, a transferring entity are transferred to more than 1 receiving entity. For these purposes, a transferring entity that continues in existence after the date of the transfer is treated as a receiving entity.

(2) A tax loss, loss balance, or credit in a memorandum account of the transferring entity is apportioned among the receiving entities on the basis of the percentage of assets or interests, as applicable, that are transferred to each receiving entity, measured on the date of transfer.

(3) In relation to the grouping of tax losses and credits, the tax loss, loss balance, or credit is treated as arising on the date of transfer.

Schedule 3 clause 60: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

61 Goods and services tax

(1) When the assets and liabilities of a transferring entity become the assets and liabilities of a receiving entity, the transfer is treated as a taxable supply of the assets and liabilities that is charged with tax at the rate of 0%.

(2) For the purposes of calculating the amount of output tax to be charged or input tax deductible on the date of transfer, the transferring entity and receiving entity are treated for the period up to the date of transfer as if they were the same person.

(3) If, in relation to a supply of the assets and liabilities of a transferring entity, it is necessary for a tax invoice, credit note, or debit note to be issued before the date of transfer by or to the transferring entity, the invoice or note may be issued by or to a receiving entity. For this purpose, the transferring entity and the receiving entity are treated as if they were the same person in relation to any requirement that the transferring entity holds, has previously been issued with, or has issued to a person an invoice or note for the supply.

(4) If, in relation to a supply of the assets and liabilities of a transferring entity, a document purporting to be a tax invoice, credit note, or debit note is issued by or to a transferring entity in relation to a supply made by or to a receiving entity on or after the date of transfer, the document is treated as if it were a tax invoice, credit note, or debit note, as applicable, that is issued by or to the receiving entity.

Schedule 3 clause 61: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

62 Associated persons

A person is not associated with another person for the purposes of sections CB 6A to CB 15 of the Income Tax Act 2007 merely through the application of this subpart.

Schedule 3 clause 62: inserted, on 22 October 2019, by section 31 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 3A
Establishment or reorganisation of local board areas in unitary authority districts

s 24

Schedule 3A: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Contents

		Page
1	Interpretation	362
	Part 1 **Reorganisation investigations**	
	Subpart 1—Reorganisation initiatives and investigation requests	
2	Who may propose reorganisation initiatives and request investigations	363
3	Contents of reorganisation initiative or investigation request	364
4	Action on receipt of reorganisation initiative or investigation request	364
	Subpart 2—Reorganisation investigations	
5	Factors Commission must have regard to when deciding whether to undertake reorganisation investigation	365
6	Commission must adopt reorganisation investigation process	366
7	Commission may require assistance and undertake inquiries when conducting investigations and preparing reorganisation plan	367
8	Commission may issue report	368
9	Objectives that Commission must consider in reorganisation investigation	368
10	Completion of investigation	368
	Part 2 **Reorganisation plans**	
	Subpart 1—Adoption and notification of reorganisation plan	
11	Commission may adopt reorganisation plan	369
12	Notification of reorganisation plan	370
	Subpart 2—Content of reorganisation plans	
13	Content of reorganisation plan	370
14	Representation	371
	Subpart 3—Unitary authority-led reorganisation applications	
15	Unitary authority may develop and adopt reorganisation plan	372
16	Application to Commission	372

17 Commission review of unitary authority-led reorganisation application 373

Part 3
Implementation and effect of reorganisations

18 Former local board areas 374
19 Local board area bylaws 374

1 Interpretation

In this schedule, unless the context otherwise requires,—

affected area,—

(a) in relation to a reorganisation investigation, means an area that—

(i) is within the district of a unitary authority; and

(ii) is affected, or potentially affected, by 1 or more of the matters to be investigated; and

(b) in relation to a reorganisation initiative or plan, means the area comprising the district of the unitary authority to which the initiative or plan relates

affected elector means—

(a) a person who is a residential elector (within the meaning of section 23 of the Local Electoral Act 2001), if the address in respect of which the person is registered is in an affected area:

(b) a person who is a ratepayer elector (within the meaning of section 24 of the Local Electoral Act 2001), if the person is qualified as a ratepayer elector in respect of a rating unit in an affected area

affected iwi or hapū means an iwi or a hapū with interests within the affected area, and includes any entity or organisation identified by Te Puni Kōkiri as representing those interests

affected local board area means the area of the local board or proposed local board

affected unitary authority means a unitary authority whose district contains an affected area

implementation date means the date specified in an Order in Council made under section 25A(1) as the date on which the local government reorganisation described in the order takes effect

investigation request means a request to the Commission by a group comprising at least 10% of electors in an affected area, by a unitary authority, or by the Minister, in accordance with clause 2, to conduct a reorganisation investigation into an issue or a matter but without proposing a particular reorganisation

public notice, in relation to a notice of a reorganisation investigation or reorganisation plan given by the Commission,—

(a) means a notice published—

(i) in 1 or more newspapers circulating in the affected area; and

(ii) on the Internet site of the Commission; and

(b) includes any other notice that the Commission thinks desirable in the circumstances

reorganisation initiative or **initiative** means a request to the Commission by a group comprising at least 10% of electors in an affected area, by a unitary authority, or by the Minister, to consider a proposed reorganisation that relates solely to 1 or more of the matters in section 24(3)

reorganisation investigation or **investigation** means an investigation by the Commission under Part 1 of this schedule, in response to a reorganisation initiative or an investigation request, that may result in the development and adoption of a reorganisation plan

reorganisation order means an Order in Council made under section 25

reorganisation plan means a plan that relates solely to 1 or more of the matters in section 24(3) and that is—

(a) adopted by the Commission, during or after an investigation; or

(b) adopted by a unitary authority in accordance with clause 15.

Schedule 3A clause 1: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Part 1
Reorganisation investigations

Schedule 3A Part 1: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Subpart 1—Reorganisation initiatives and investigation requests

Schedule 3A Part 1 Subpart 1: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

2 Who may propose reorganisation initiatives and request investigations

(1) A reorganisation initiative may be proposed, or an investigation request may be made, to the Commission by—

(a) the affected unitary authority:

(b) in the case of an initiative, a group of at least 10% of electors in the affected local board area:

(c) in the case of a request, a group of at least 10% of electors in the affected area:

(d) the Minister.

(2) The reorganisation initiative or investigation request must be submitted to the chief executive officer of the Commission.

Schedule 3A clause 2: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

3 Contents of reorganisation initiative or investigation request

(1) A reorganisation initiative or an investigation request must include the following:

(a) the name and address of the person submitting the initiative or request; and

(b) if the initiative or request is submitted by a group of electors under clause 2(1)(b) or (c),—

(i) evidence that the group comprises at least 10% of electors in the affected local board area or affected area; and

(ii) the name and address of the person who is the representative of those persons; and

(c) in the case of an initiative, a description of the proposed changes, including (but not limited to)—

(i) which of the matters listed in section 24(3)(a) is being sought; and

(ii) a plan or other description sufficient to identify the affected local board area or affected local board areas concerned; and

(iii) an explanation of the outcome that the proposed changes are seeking to achieve; and

(d) in the case of an investigation request, a description of the matter, issue, problem, or opportunity to be investigated.

(2) A reorganisation initiative may include—

(a) any information requested or recommended in any guidelines issued by the Commission; and

(b) any other information that demonstrates that the initiative has community support in the affected area; and

(c) any other information that the person submitting the initiative considers relevant to the Commission's consideration of the initiative.

Schedule 3A clause 3: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

4 Action on receipt of reorganisation initiative or investigation request

(1) As soon as practicable after receiving a reorganisation initiative or an investigation request, the Commission must,—

(a) if the initiative or request was submitted by a group of electors, confirm that the group comprises at least 10% of electors in the affected local board area or affected area, as the case may be (and, if not, notify the person who submitted the initiative or request that the Commission will not undertake an investigation); and

(b) decide whether to undertake an investigation, having regard to the factors listed in clause 5; and

(c) notify the person who submitted the initiative or request, or that person's representative, of its decision; and

(d) if the Commission decides not to undertake an investigation, explain the reasons for that decision in the notice under paragraph (c); and

(e) if the Commission decides to undertake an investigation, notify the affected unitary authority of that decision.

(2) Before making a decision under subclause (1)(b), the Commission must consult the affected unitary authority and any local board that would be affected by the reorganisation initiative or the requested investigation.

Schedule 3A clause 4: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Subpart 2—Reorganisation investigations

Schedule 3A Part 1 Subpart 2: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

5 Factors Commission must have regard to when deciding whether to undertake reorganisation investigation

When deciding whether to undertake a reorganisation investigation under clause 4(1)(b), the Commission must have regard to—

(a) the purpose of reorganisation set out in section 24AA; and

(b) the potential scale and scope of improvements to local governance and services that might result from the investigation; and

(c) the potential costs, disruption, and other negative effects on the affected unitary authority, its communities, and any affected local board that may be caused by the investigation; and

(d) any time or other constraints that apply to the opportunity to achieve potential improvements to local governance and services; and

(e) the need for urgent resolution of any problem identified by the Commission, or in the investigation request or reorganisation initiative; and

(f) the resources available to the Commission to undertake the investigation in a timely manner; and

(g) the likelihood of significant community opposition to any reorganisation that might result from the investigation.

Schedule 3A clause 5: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

6 Commission must adopt reorganisation investigation process

(1) As soon as practicable after it makes a decision under clause 4(1)(b) to undertake a reorganisation investigation, the Commission must determine and adopt a process for the investigation and record that process in writing.

(2) The process document must set out how the Commission intends to undertake the investigation, including—

(a) the matters to be investigated; and

(b) the affected area, the affected unitary authority, and any local board affected by the investigation; and

(c) the procedure and timetable for the investigation; and

(d) each affected iwi or hapū, and how and when they will be given an opportunity to engage with the investigation; and

(e) the key stakeholders, and how and when they will be given an opportunity to engage with the investigation; and

(f) how and when members of the public will be consulted on the investigation and any proposed recommendations or reorganisation plans that may result; and

(g) any other matter that the Commission considers relevant.

(3) In determining the matters referred to in subclause (2), and in undertaking an investigation, the Commission must have regard to the following principles:

(a) early information should be available to the public and stakeholders about the issues to be investigated, the process to be followed, and the opportunities for public input; and

(b) the process should be in proportion to the scale, scope, and potential impact of the identified issues and of any reorganisation plan that may result from the investigation; and

(c) the process should recognise the relevant evidence and information that the Commission already holds; and

(d) the process should recognise and reflect the nature and extent of the interests of affected iwi or hapū in the outcome of the investigation; and

(e) the process should provide persons, entities, and organisations who wish to have their views on the subject matter of the investigation considered by the Commission with a reasonable opportunity to present those views to the Commission; and

(f) the extent and nature of public and stakeholder engagement should—

(i) reflect the degree of public interest (including of each affected iwi or hapū) in the issues and in any reorganisation plan that may result from the investigation; and

(ii) reflect the importance of—

(A) stakeholder input; and

(B) community engagement; and

(C) public acceptance of the process and the potential outcome; and

(iii) appropriately balance the costs and benefits of different processes.

(4) Before adopting a process document under subclause (1), the Commission must—

(a) consult the affected unitary authority and any affected local board on the proposed process or amendment; and

(b) consult all affected iwi or hapū about whether, and how, the proposed reorganisation investigation, or any reorganisation plan that may result from the investigation, may affect their relationship with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga, or affect their relationships with local authorities.

(5) The Commission may adopt an amendment to a process document under subclause (1) at any time, and must do so if there is a significant departure from the process.

(6) The Commission must, as soon as practicable after adopting or amending a process document,—

(a) publish the process document in full on its Internet site; and

(b) give public notice within the affected area of the publication and location of the process document; and

(c) notify the affected unitary authority and all affected local boards, affected iwi or hapū, and key stakeholders identified by the Commission of the publication and location of the process document.

Schedule 3A clause 6: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

7 Commission may require assistance and undertake inquiries when conducting investigations and preparing reorganisation plan

(1) In conducting an investigation or preparing a reorganisation plan, the Commission may require the affected unitary authority and any affected local boards to provide information to assist the Commission.

(2) In conducting an investigation or preparing a reorganisation plan, the Commission may undertake inquiries and consultation in relation to the investigation or plan with any persons, bodies, and groups that it considers appropriate.

Schedule 3A clause 7: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

8 Commission may issue report

(1) The Commission may, at any time during a reorganisation investigation, or at the completion of the investigation, issue a report and make recommendations to a unitary authority on any matter arising in the course of, or ancillary to, the investigation.

(2) Section 26A applies to a report and recommendations under this clause.

Schedule 3A clause 8: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

9 Objectives that Commission must consider in reorganisation investigation

In assessing the desirability of options for the reorganisation of local government within the affected area, the Commission must take into account how best to achieve all of the following:

(a) enabling democratic decision making by, and on behalf of, communities within the local board area:

(b) better enabling the purpose of local government to be given effect to within the local board area:

(c) efficiencies and cost savings:

(d) assurance that a local board has the resources necessary to enable it to effectively perform or exercise its responsibilities, duties, and powers in respect of any local board area established or changed:

(e) effective responses to the opportunities, needs, and circumstances of the affected areas:

(f) better alignment of local board areas with communities of interest:

(g) enhanced effectiveness of decision making for non-regulatory activities of a unitary authority:

(h) enhanced ability of local government to meet the changing needs of communities for governance and services into the future:

(i) effective provision for any co-governance and co-management arrangements that are established by legislation (including Treaty of Waitangi claim settlement legislation) and that are between local authorities and iwi or Māori organisations.

Schedule 3A clause 9: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

10 Completion of investigation

As soon as practicable after completing an investigation, the Commission must—

(a) give public notice of the completion of the investigation; and

(b) notify the affected unitary authority and all affected local boards, affected iwi or hapū, and key stakeholders of the completion of the investigation; and

(c) record the completion of the investigation on its Internet site.

Schedule 3A clause 10: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Part 2
Reorganisation plans

Schedule 3A Part 2: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Subpart 1—Adoption and notification of reorganisation plan

Schedule 3A Part 2 Subpart 1: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

11 Commission may adopt reorganisation plan

(1) The Commission may, during or at the completion of a reorganisation investigation,—

(a) develop 1 or more reorganisation plans; and

(b) adopt 1 or more reorganisation plans that meet the requirements of subpart 2 of this Part.

(2) In deciding whether to adopt a reorganisation plan, the Commission must have regard to—

(a) the scale of the potential benefits of the proposed changes in terms of the objectives set out in clause 9 and the likelihood of those benefits being realised; and

(b) the financial, disruption, and opportunity costs of implementing the proposed changes at the proposed time; and

(c) the risks and consequences of not implementing the proposed changes at the proposed time; and

(d) existing communities of interest and the extent to which the proposed changes will maintain linkages between communities (including iwi and hapū) and sites and resources of significance to them; and

(e) the degree and distribution of demonstrable public support for the proposed changes within communities in the affected area; and

(f) the degree and distribution of any public opposition to the proposed changes within communities in the affected area.

(3) The Commission must not adopt a reorganisation plan under this clause that affects the application of any Act that establishes co-governance or co-management arrangements between local authorities and iwi or Māori organisations

(including Treaty of Waitangi claims settlement legislation), without first consulting all iwi or Māori organisations to whom that Act applies, the Attorney-General, and the Minister for Treaty of Waitangi Negotiations.

(4) A reorganisation plan to which subclause (3) applies must provide for the same level and scope of participation in decision making by iwi or Māori organisations as the arrangement specified in the Act referred to in that subclause.

Schedule 3A clause 11: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

12 Notification of reorganisation plan

(1) As soon as practicable after adopting a reorganisation plan, the Commission must—

(a) give public notice of the plan and, in the notice, specify where copies of the plan may be inspected; and

(b) take any other action that it considers necessary to inform persons, bodies, and groups that the Commission identifies as having an interest in the plan.

(2) The Commission must attach to the reorganisation plan a full and detailed statement that—

(a) explains how the plan will achieve the objectives set out in clause 9; and

(b) provides a balanced assessment of the reorganisation plan and outlines the advantages and disadvantages of the plan.

Schedule 3A clause 12: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Subpart 2—Content of reorganisation plans

Schedule 3A Part 2 Subpart 2: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

13 Content of reorganisation plan

(1) Before adopting a reorganisation plan under clause 11, the Commission must ensure that the plan complies with the requirements in this clause.

(2) Provisions for local boards must be consistent with subpart 1A of Part 4 of this Act.

(3) The reorganisation plan must specify—

(a) the name of the district of the unitary authority; and

(b) the number and names of local board areas within the district; and

(c) the boundaries of—

(i) each local board area; and

(ii) electoral subdivisions, if any, of each local board area; and

(d) the number of elected members of the local board for each local board area and, if a local board area is subdivided for electoral purposes, the number of members to be elected by the electors of each subdivision; and

(e) whether each local board may include members appointed by the governing body of the unitary authority in accordance with section 48E(b); and

(f) for each local board, whether the chairperson of the local board is to be—

(i) elected by the members of the local board from among themselves using one of the systems of voting set out in clause 25(3) and (4) of Schedule 7; or

(ii) directly elected to that office by the electors of the local board area.

(4) Subclause (3)(e) and (f) is subject to any requirements in other enactments that relate to 1 or more of the following matters:

(a) the election or appointment of members of a local board:

(b) the election of the chairperson of a local board.

(5) In determining the matters referred to in subclause (3)(b) to (e), the Commission must ensure that—

(a) the boundaries of the local board areas will—

(i) enable democratic local decision making by, and on behalf of, communities throughout the district; and

(ii) enable equitable provision to be made for the current and future well-being of all communities within the affected area; and

(b) the boundaries of local board areas and any subdivisions of those areas coincide with boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and

(c) so far as practicable, local board area boundaries coincide with ward boundaries.

Schedule 3A clause 13: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

14 Representation

In determining the representation arrangements of an affected unitary authority for a reorganisation plan, the Commission must—

(a) have regard to the existing electoral and representation arrangements of the affected unitary authority in respect of local boards; and

(b) provide fair and effective representation for individuals and communities in the local board areas within the district of the unitary authority; and

(c) comply with the requirements of the Local Electoral Act 2001; and

(d) take into account the responsibilities, duties, and powers of the unitary authority.

Schedule 3A clause 14: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Subpart 3—Unitary authority-led reorganisation applications

Schedule 3A Part 2 Subpart 3: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

15 Unitary authority may develop and adopt reorganisation plan

(1) A unitary authority may develop and adopt a reorganisation plan in accordance with this clause.

(2) Subparts 1 and 2 of this Part apply to every reorganisation plan developed under subclause (1) as if references to the Commission in those subparts were references to the unitary authority developing the plan.

(3) A unitary authority intending to develop a reorganisation plan under this clause must ensure that written notice of that intention is given to the Commission as soon as is reasonably practicable.

Schedule 3A clause 15: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

16 Application to Commission

(1) A unitary authority may submit a reorganisation plan adopted under clause 15 to the Commission in accordance with this clause (a **unitary authority-led reorganisation application**).

(2) Before submitting a unitary authority-led reorganisation application, the unitary authority must consider any views and preferences expressed by any local boards that would be affected by the reorganisation plan.

(3) The reorganisation plan must be accompanied by—

(a) a statement that complies with clause 12(2); and

(b) a report from the affected unitary authority, adopted by that unitary authority, that records—

(i) unconditional support for the plan from the governing body of the unitary authority; and

(ii) any views and preferences expressed by any local boards that would be affected by the reorganisation plan; and

(iii) the public consultation undertaken by the unitary authority; and

(iv) the themes and outcomes of that consultation.

Schedule 3A clause 16: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

17 Commission review of unitary authority-led reorganisation application

(1) As soon as practicable after receiving a unitary authority-led reorganisation application submitted in accordance with clause 16, the Commission must review that application.

(2) The Commission must approve the reorganisation plan to which the application relates unless—

(a) the reorganisation plan is not accompanied by the documentation required by clause 16; or

(b) the Commission considers, on reasonable grounds, that—

(i) the provisions in subparts 1 and 2 of this Part were not complied with in developing the plan, as required by clause 15(2); or

(ii) the unitary authority has not complied with clause 16(2); or

(iii) the plan does not have the support of affected communities.

(3) The Commission must not approve the reorganisation plan if subclause (2)(a) or (b) applies.

(4) If the Commission approves a reorganisation plan under this clause, Part 3 of this schedule applies as if the plan were adopted under clause 11.

(5) As soon as practicable after the Commission approves a reorganisation plan under this clause,—

(a) the Commission must notify the affected unitary authority of its decision; and

(b) the Minister must determine whether to recommend the making of an Order in Council under section 25.

(6) If the Commission does not approve a reorganisation plan under this clause, the Commission—

(a) must notify the affected unitary authority of its decision and the reasons for it; and

(b) may undertake an investigation into any matter related to the content of the unitary authority-led reorganisation application.

Schedule 3A clause 17: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Part 3
Implementation and effect of reorganisations

Schedule 3A Part 3: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

18 Former local board areas

(1) This clause applies in relation to implementing a reorganisation plan that—

(a) is given effect to by an Order in Council under section 25(1); and

(b) specifies alterations to the boundaries of local board areas that result in a local board area including an area (a **former local board area**) that formerly comprised or formed part of a separate local board area.

(2) Subclause (3) applies unless a reorganisation order modifies its application to a reorganisation or declares that it does not apply to a reorganisation.

(3) The local board that assumes jurisdiction over a former local board area has, may exercise or perform, and is responsible for all the powers, duties, acts of authority, and responsibilities that were previously exercised or performed by the local board of that area in relation to that area, or that would have been exercised or performed by it if it had remained in existence or responsible for that area.

Schedule 3A clause 18: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19 Local board area bylaws

(1) The provisions of this clause apply unless a reorganisation order modifies their application to a reorganisation or declares that they do not apply to a reorganisation.

(2) Subclause (3) applies to local board area bylaws that—

(a) are in force in all or part of a local board area that, under a reorganisation order, is included in the jurisdiction of a local board other than the local board that proposed them; and

(b) are in force immediately before the implementation date; and

(c) are not excluded from the application of this clause by the reorganisation order.

(3) Each local board area bylaw remains in force, in the area to which it applied immediately before the commencement of the reorganisation order, until it expires or is revoked or amended by the unitary authority for the district that includes that area.

(4) In this clause,—

bylaw includes—

(a) a set of bylaws; and

(b) an individual bylaw in a set of bylaws; and

(c) a provision within an individual bylaw

local board area bylaw means a bylaw that applies only in, or only in any part of, a local board area.

Schedule 3A clause 19: inserted, on 31 August 2023, by section 48 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 4
Provisions relating to Local Government Commission and its proceedings

s 36

1 Interpretation

In this schedule, unless the context otherwise requires,—

member means a member of the Commission appointed under section 33

transaction means a matter referred to in clause 17(2).

Members

2 Terms and conditions of appointment

(1) A member (including the member appointed as the chairperson) is to be appointed for the term, not exceeding 5 years, that is specified in his or her appointment.

(2) A member is eligible for reappointment.

Compare: 1974 No 66 s 37Z(1), (2)

3 Vacation of office

(1) A member who is in office at the end of his or her term of appointment continues to hold office until—

(a) the member is reappointed; or

(b) the member's successor is appointed; or

(c) the member is informed in writing by the Minister that he or she is not to be reappointed; or

(d) the member resigns his or her office by sending a written notice to the Minister.

(2) A member may, at any time, be removed from office, by written notice from the Minister, for any reason that, in the Minister's opinion, justifies the removal.

(2A) The notice referred to in subclause (2) must—

(a) state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received; and

(b) state the reasons for the removal.

(2B) The Minister must notify the removal in the *Gazette* as soon as practicable after giving the notice under subclause (2).

(3) If a member dies, resigns, or is removed from office, his or her office becomes vacant.

(4) A vacancy under this clause is an extraordinary vacancy, and must be filled in the manner in which the appointment to the vacant office was made.

(5) A person appointed to fill an extraordinary vacancy must be appointed for the residue of the term for which the vacating member was appointed.

Compare: 1974 No 66 s 37Z(3), Schedule 3A cl 1

Schedule 4 clause 3(2): replaced, on 22 October 2019, by section 32 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 4 clause 3(2A): inserted, on 22 October 2019, by section 32 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 4 clause 3(2B): inserted, on 22 October 2019, by section 32 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

4 Deputies of members

(1) If a member is, or is likely to be, unable to perform his or her duties because of illness, absence, or any other reason, and the Minister considers that the inability to perform the duties is likely to continue for a period of more than 14 days, the Minister may appoint a deputy to perform—

(a) all the functions, responsibilities, duties, and powers of the member; or

(b) the functions, responsibilities, duties, and powers that are specified in the document appointing the deputy.

(2) If the Commission is considering a proposal affecting a local authority and a member of the Commission is also a member of the local authority, the member of the Commission is to be treated as unable to perform the duties of his or her office in respect of the proposal.

(3) A person appointed by the Minister under subclause (1) is, while acting in terms of the appointment, to be treated as a member of the Commission, and no acts done by the Commission while any person is so acting are to be questioned in any proceedings on the grounds that the occasion for the appointment of the person had not arisen or had ceased.

Compare: 1974 No 66 s 37ZA

5 Temporary members

(1) The Minister may, at the request of the Commission, appoint a person or persons to be a temporary member or members for the purposes of any function of the Commission under any Act.

(2) An appointment may be made under subclause (1) even though there may already be 3 members of the Commission, and any person so appointed is, subject to the terms of his or her appointment, to be treated for all purposes as a member of the Commission, and no acts done by the Commission while a person is so acting are to be questioned in any proceedings on the grounds that the occasion for the appointment had not arisen or had ceased.

Compare: 1974 No 66 s 37ZB

6 Duties of members

(1) A member, when exercising powers or performing duties as a member, must act—

(a) in good faith; and

(b) with reasonable care, diligence, and skill; and

(c) with honesty and integrity.

(2) The Commission must ensure that—

(a) it acts in a manner consistent with its functions; and

(b) its activities are conducted efficiently and effectively; and

(c) it operates in a financially responsible manner.

7 Remuneration

The members are to be paid remuneration by way of fees, allowances, or expenses (as determined by the Minister) out of money appropriated by Parliament for the purpose.

Meetings of members

8 Meetings

(1) Meetings of the Commission are to be held at the times and places that the Commission or its chairperson appoints.

(2) At every meeting of the Commission, the quorum is—

(a) half of the members if the number of members is even; and

(b) a majority of the members if the number of members is odd; but

(c) in no case, to be fewer than 2 members.

Compare: 1974 No 66 Schedule 3A cl 3(1), (2)

9 Chairperson to preside

(1) The chairperson must preside at all meetings of the Commission at which he or she is present.

(2) The members present must appoint one of their number (not being a temporary member) to be the chairperson for the meeting if—

(a) the chairperson is not present; or

(b) there is no chairperson.

(3) The appointed person has and may exercise all the powers, duties, and functions of the chairperson for the purposes of the meeting.

10 Voting

(1) A matter to be decided by the Commission must be decided by a majority of the votes cast.

(2) The presiding member has—

(a) a deliberative vote; and

(b) a casting vote if there are more than 2 members voting and there is an equality of votes.

Compare: 1974 No 66 Schedule 3A cl 3(5)

11 Resolution assented to by all members

(1) A resolution in writing signed or assented to by letter, facsimile message, or electronic message by all members is as valid and effectual as if it had been passed at a meeting of the Commission duly called and constituted.

(2) The resolution may consist of several documents in the same form, each signed or appearing to have been sent by 1 or more members.

12 Methods of holding meetings

A meeting of the Commission may be held either—

(a) by a number of the members constituting a quorum assembling together at the place, date, and time appointed for the meeting; or

(b) by means of audio, or audio and visual, or electronic communication by which all members participating and constituting a quorum can simultaneously communicate with each other throughout the meeting.

Procedure

13 Procedure generally

Except as otherwise provided in this Act, the Commission may regulate its own procedure.

14 Ordinary meetings

The Commission must appoint the times and places for all its ordinary meetings.

15 Special meetings

(1) The chairperson or any 2 members may at any time call a special meeting of the Commission by giving each member for the time being in New Zealand a written notice stating—

(a) the time and place of the meeting; and

(b) the business to be transacted at it.

(2) The members must be given—

(a) at least 7 days' notice of the meeting; or

(b) if they are satisfied that the business to be transacted is urgent, any shorter period of notice to which all members entitled to be notified agree.

(3) The notice must be either given to a member or sent to the member's last known address in New Zealand.

(4) Only the business stated in the notice may be transacted at the meeting.

16 Specialist advice

(1) The Commission may invite any officer of the public service or any other person or a representative of any body who or that, in the opinion of the Commission, has specialist knowledge that is likely to be of assistance to the Commission to attend any meeting or discussion held by the Commission and to take part in the proceedings.

(2) The Commission may engage any consultants that it thinks necessary or desirable to assist it to carry out its functions.

(3) The Commission may pay to a person engaged under subclause (2), for services rendered by the person, the fees or commissions or both that it thinks fit, and may reimburse the person for expenses reasonably incurred in rendering services for the Commission.

Compare: 1974 No 66 Schedule 3A cls 5, 6

Schedule 4 clause 16(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Interested members

17 Obligation to disclose interest

(1) A member who (otherwise than as a member) is interested, directly or indirectly, in any of the matters listed in subclause (2) must, as soon as practicable after the member knows about the relevant facts, disclose the nature of the interest in accordance with clause 19.

(2) The matters are—

(a) the Commission's performance of its functions or exercise of its powers:

(b) an arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Commission.

18 Meaning of interested

A member is **interested** in a transaction to which the Commission is a party if, and only if, the member—

(a) is a party to, or will or may derive a material financial benefit from, the transaction; or

(b) has a material financial interest in another party to the transaction; or

(c) is a director, officer, member, or trustee of another party to, or person who will or may derive a material financial benefit from, the transaction; or

(d) is the parent, child, or spouse of another party to, or person who will or may derive a material financial benefit from, the transaction; or

(e) is otherwise directly or indirectly materially interested in the transaction.

19 Disclosure of interest

(1) A member must, immediately after becoming aware of his or her interest in a transaction or proposed transaction with the Commission, cause to be entered in an interests register maintained by the Commission, and disclose to the Commission,—

(a) the nature and monetary value of the member's interest, if the monetary value can be quantified; or

(b) the nature and extent of the member's interest, if the monetary value cannot be quantified.

(2) A general notice entered in the interests register or disclosed to the Commission to the effect that a member is a shareholder, director, officer, member, or trustee of a named company or other person and is to be regarded as interested in any transaction that may, after the date of the entry or disclosure, be entered into with that company or person, is a sufficient disclosure of interest in relation to that transaction.

20 Consequences of disclosure

(1) A member who discloses his or her interest under clause 19—

(a) must not take part in any deliberation or decision of the Commission relating to the matter; and

(b) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the Commission during which a deliberation or decision relating to the matter occurs or is made.

(2) Subclause (1) is subject to clause 22.

21 Matters to be delegated to committee

(1) The Commission must delegate a deliberation or decision to a committee if the effect of clause 19 is that there is not a quorum of members able to take part in the deliberation or decision, or to form a quorum.

(2) The committee must consist of a majority of persons—

(a) who are not interested in the transaction; and

(b) in the case of members of the committee who are not members of the Commission, who are appointed by the Commission with the agreement of the Minister.

(3) Subclause (1) is subject to clause 22.

22 Exceptions

(1) Clause 20 does not apply—

(a) to any deliberation or decision of the Commission that is made in accordance with any existing contract that governs the way in which the deliberation or decision is to be made; or

(b) to any deliberation or decision of the Commission to establish a committee, and to delegate the matter to a committee of the Commission, under clause 21.

(2) In this clause, **existing contract** means a contract—

(a) that was entered into by or on behalf of the Commission; and

(b) in respect of which the person, or a majority of the persons, making the decision by or on behalf of the Commission were not interested in the transaction.

23 Effect of non-compliance

The validity of a transaction entered into by the Commission is not affected by the fact that a member fails to comply with the disclosure requirements in clauses 17 to 22.

Delegations

24 Committees

(1) The Commission may, from time to time, appoint, discharge, alter, continue, or reconstitute committees comprising 2 or more members of the Commission, 1 of whom must be appointed as chairperson of the committee.

(2) The Commission may refer to a committee appointed by it under this clause any proposal or matter for investigation or inquiry, and may delegate to the committee any of the functions, responsibilities, powers, or duties conferred or imposed upon the Commission by this or any other enactment in accordance with clauses 25 to 28.

(3) A committee may regulate its own procedure, subject to any direction from the Commission.

(4) Clauses 8 to 23 apply to a committee with all necessary modifications.

Compare: 1974 No 66 Schedule 3A cl 2(1), (2), (3)

25 Delegations

(1) The Commission may by writing, either generally or specifically, delegate any of its functions or powers to a committee of the Commission.

(2) However, the Commission may not delegate its power to delegate.

26 Effect of delegation

(1) A committee to whom any functions or powers are delegated may carry out the functions or exercise the powers in the same manner and with the same effect as if they had been conferred on the committee directly by this Act and not by delegation.

(2) Subclause (1) applies subject to any direction given or condition imposed by the Commission.

27 Presumption of acting in accordance with delegation

A committee that appears to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

28 Other matters relating to delegation

A delegation—

(a) is revocable at will, but the revocation does not take effect until it is communicated to the delegate; and

(b) continues in force according to its terms until it is revoked; and

(c) does not prevent the Commission from performing a function or exercising a delegated power.

Miscellaneous provisions

29 Chief Executive Officer

(1) There may from time to time be appointed under the Public Service Act 2020 a Chief Executive Officer of the Commission to enable the Commission to carry out and exercise its functions, responsibilities, duties, and powers.

(2) A person may hold office under this clause in conjunction with any other office in the public service.

Compare: 1974 No 66 Schedule 3A cl 7

Schedule 4 clause 29(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 4 clause 29(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

30 Liability of members

(1) A member is not personally liable, in an action taken against him or her by the Commission, for any liability of the Commission, or for any act done or omitted to be done by the Commission or by any person acting under a delegation of the Commission's functions and powers, if the member acted in good faith in pursuance or intended pursuance of the functions or powers of the Commission.

(2) Every member is indemnified by the Commission—

(a) for costs and damages for any civil liability arising from any action brought by a third party, if the member was acting in good faith and in pursuance or intended pursuance of the functions or powers of the Commission; and

(b) for costs arising from any successfully defended criminal action relating to actions or omissions in his or her capacity as a member.

(3) The Crown must meet any costs and damages arising from this indemnity out of money appropriated by Parliament.

(4) References in this clause to members include references to members of any committee of the Commission.

31 Annual report

(1) The Commission must provide to the Minister a report of its proceedings and operations during each year ending with 30 June as soon as practicable after the end of that year.

(2) A copy of the report must be presented to the House of Representatives as soon as practicable after its receipt by the Minister.

Compare: 1974 No 66 Schedule 3A cl 10

Schedule 5
Appeals against decisions of Local Government Commission

s 37

1 Restrictions on appeals

(1) Proceedings before the Commission are not invalid for want of form and, except as provided in this schedule, no appeal lies from any decision of the Commission.

(2) Nothing in subclause (1)—

(a) prohibits or restricts the High Court from exercising a supervisory jurisdiction over the Commission on questions of law; or

(b) restricts the power of the Commission to refer any disputed question of law to the High Court for decision under section 34 of the Inquiries Act 2013.

Compare: 1974 No 66 s 37ZM

Schedule 5 clause 1(2)(b): amended, on 22 October 2019, by section 33 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

2 Appeal to High Court

(1) If a party to proceedings before the Commission or the Minister is dissatisfied with a decision of the Commission in the proceedings as being erroneous in point of law, the party or the Minister may appeal to the High Court on the question of law.

(2) The decision of the High Court on the appeal is final.

(3) Subject to clauses 4 to 9, an appeal under this clause must be dealt with in accordance with rules of court.

(4) For the purposes of this clause and clauses 4 to 9, a local authority affected by the decision, and a person who has made submissions to the Commission in the proceedings, is to be treated as a party to the proceedings before the Commission.

Compare: 1974 No 66 s 37ZE

3 Appeal in respect of additional points of law

(1) If a party to an appeal under clause 2, other than the appellant, wishes to contend at the hearing of the appeal that the decision appealed from is erroneous in point of law, other than those set out in the notice of appeal, the party may, within 1 month after the date of the service on the party of a copy of the notice of appeal, lodge a notice to that effect with the Registrar of the High Court in Wellington.

(2) Clauses 2, 4(2) to (4), 5, 6, 8, and 9 apply, with any modifications that may be necessary, to any notice lodged under this section as if it were a notice of appeal.

Compare: 1974 No 66 s 37ZJ

4 Procedure for appeal

(1) An appeal under clause 2 must be instituted by the appellant lodging a notice of appeal within 1 month after the date of the decision with—

(a) the Registrar of the High Court in Wellington; and

(b) the Chief Executive Officer of the Commission.

(2) Either before or immediately after the lodging of the notice of appeal, the appellant must serve a copy of the notice of appeal, either personally or by post, on every other party to the proceedings before the Commission.

(3) Service under subclause (2), if by post, must be by registered letter and, for the purposes of this clause, is deemed, in the absence of proof to the contrary, to be effected at the time when the letter would be delivered in the ordinary course of post.

(4) A notice of appeal must specify—

(a) the decision or the part of the decision appealed from; and

(b) the error of law alleged by the appellant; and

(c) the question of law to be resolved; and

(d) the grounds of the appeal, specified with such reasonable particularity as to give full advice to both the court and the other parties of the issues involved.

(5) The Chief Executive Officer of the Commission must, as soon as practicable after receiving a copy of the notice of appeal, send a copy of the whole of the decision appealed from to the Registrar of the High Court in Wellington.

Compare: 1974 No 66 s 37ZF

5 Preliminary orders

(1) The High Court may, of its own motion or on the application of a party to the appeal, make 1 or more of the following orders:

(a) an order directing the Commission to lodge with the Registrar of the High Court in Wellington a document or other written material or an exhibit in the possession or custody of the Commission:

(b) an order directing the Commission to lodge with the Registrar a report recording, in respect of any matter or issue that the court may specify, any of the findings of fact of the Commission that are not set out or fully set out in its decision:

(c) an order directing the Commission to lodge with the Registrar a report setting out, in respect of a matter or issue that the court may specify, any

reasons or considerations of the Commission to which the Commission had regard but which are not set out in its decision.

(2) An application under subclause (1) must,—

(a) in the case of the appellant, be made within 1 month after the date of the lodging of the notice of appeal; or

(b) in the case of any other party to the appeal, within 1 month after the date of the service on that party of a copy of the notice of appeal.

(3) The High Court may make an order under subclause (1)—

(a) only if it is satisfied that a proper determination of the point of law in issue so requires; and

(b) subject to any conditions that the High Court thinks fit.

Compare: 1974 No 66 s 37ZH

6 Hearing

An appeal is, in all respects, ready for hearing and the Registrar must arrange a date for the hearing as soon as is practicable if a party to the appeal notifies the Registrar of the High Court in Wellington—

(a) that the notice of appeal has been served on all parties to the proceedings; and

(b) either—

(i) that no application has been lodged under clause 5 and that no order has been made under that clause; or

(ii) that any application lodged under clause 5 has been heard and that any order under that clause has been complied with.

Compare: 1974 No 66 s 37ZL

7 Right to appear

(1) A party to the proceedings before the Commission who wishes to appear and be heard on the hearing of the appeal must, within 10 days after the date of the service on that party of a copy of the notice of appeal, lodge with the Registrar of the High Court in Wellington a notice of that party's intention to appear and be heard.

(2) A party who gives a notice of intention to appear and be heard and the appellant are parties to the appeal and are entitled—

(a) to be served with every document filed or lodged with the Registrar relating to the appeal; and

(b) to receive a notice of the date set down for the hearing of the appeal.

Compare: 1974 No 66 s 37ZG

8 Dismissal of appeal

The High Court may dismiss an appeal—

(a) if the appellant does not appear at the time appointed for the hearing of the appeal; or

(b) if the appellant does not prosecute the appeal with all due diligence and a party applies to the court for the dismissal of the appeal.

Compare: 1974 No 66 s 37ZI

9 Extension of time

The High Court or a High Court Judge may, in its or the Judge's discretion, on the application of the appellant or intending appellant or any other party, extend any time provided under this schedule for the lodging of any notice, application, or other document.

Compare: 1974 No 66 s 37ZK

Schedule 6
Constitution of communities

ss 5(1), 8(2)(b), 49(1)

1 Constitution of communities

(1) A community may be constituted in any part of a district in accordance with this schedule and must be wholly within 1 district.

(2) A community may not be constituted for any part of a district if a community is already constituted for that part of that district.

(3) A community may not be constituted for any part of a district that is within a local board area.

Schedule 6 clause 1(3): inserted, on 8 August 2014, by section 70 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

2 Matters pertaining to constitution of communities

(1) An Order in Council or resolution constituting a community must—

(a) fix the boundaries of the community and describe them in a manner that makes them readily capable of identification; and

(b) assign a name to the community; and

(c) fix the date of the first election of members of the board of the community, which may not be a date within 12 months before the date of the next triennial general election of members of the territorial authority in which the community is situated.

(2) The boundaries of a community must coincide with the boundaries of the statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

(3) The community must come into existence on the day after the day on which the electoral officer declares the result of the first election of the members of the community board.

Compare: 1974 No 66 s 101ZH

3 Proposals to establish community

(1) Not less than 10% of the electors of a continuous area, having a population of 1 500 persons or more and being within the district of a territorial authority, may propose that the area be constituted as a community.

(2) Not fewer than 100 electors of a continuous area having a population of fewer than 1 500 persons and being within the district of a territorial authority, being electors present at a meeting called by public notice by any elector or electors and being the majority of the electors present at that meeting, may propose that the area be constituted as a community.

Compare: 1974 No 66 s 101ZI

4 Requirements for proposal

(1) A proposal to constitute a community must be accompanied by a plan or other description sufficient to identify the area.

(2) Each signatory to the proposal must, against his or her signature, state his or her full name and the address in respect of which he or she possesses a qualification as an elector.

(3) The proposal, or a copy of it, must be delivered or sent by post to the chief executive at the principal office of the territorial authority affected by the proposal.

(4) The chief executive of the territorial authority must—

(a) check whether or not each signatory to the proposal possesses a qualification as an elector; and

(b) not later than 1 month after receiving the proposal, forward the proposal to the territorial authority, together with a certificate specifying the number of signatories to the proposal who are qualified as electors.

(5) In the absence of proof to the contrary, the certificate of the chief executive is final.

(6) The territorial authority must then consider the proposal and determine whether or not to constitute the community.

Compare: 1974 No 66 s 101ZJ

5 Proposal seeking constitution of communities

(1) A proposal seeking the constitution of a community by means of a resolution must be—

(a) submitted to the territorial authority; and

(b) considered by the territorial authority at its next meeting or subsequent meeting.

(2) If a territorial authority has considered a proposal, it must—

(a) resolve to give effect to the proposal and invite public submissions on it; or

(b) reject the proposal and give public notice of the rejection.

(3) If a territorial authority has resolved to give effect to a proposal and to invite public submissions on it, it must give public notice of the intended resolution, and a copy of the proposal and a copy of the plan showing the boundaries of the proposed community must be prepared and deposited in the principal office of the territorial authority and in any other place or places that it considers necessary.

(4) Each proposal and associated plan must be open for inspection by the public without fee for a period of 28 days following public notice of the proposal, and

public notice must be given of the times and places where the proposal and plan are available.

(5) A person or group of persons may make a written submission on the proposal within that period of 28 days or any further period that the territorial authority may allow, and each submission must be considered by the territorial authority, which must resolve to—

(a) adopt the proposal; or

(b) reject the proposal.

Compare: 1974 No 66 s 101ZK

Schedule 6 clause 5(1)(b): amended, on 7 July 2004, by section 25 of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

6 Matters to be considered when constituting community

In deciding whether or not to constitute a community, the territorial authority or, if appropriate, the Commission must have regard to the criteria as set out in clause 19 of Schedule 3 that apply to draft proposals that the territorial authority or Commission considers appropriate in the circumstances.

Compare: 1974 No 66 s 101ZL

Schedule 6 clause 6: amended, on 5 December 2012, by section 37(1)(a) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Schedule 6 clause 6: amended, on 5 December 2012, by section 37(1)(b) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

7 Appeal against refusal to constitute community

(1) If, following a proposal to constitute a community, a territorial authority resolves not to constitute a community, a signatory to the proposal may appeal to the Commission.

(2) The Commission has all the powers of the territorial authority in respect of the constitution of the community, and may determine the functions of the community board for a period of up to 3 years.

(3) Nothing in subclause (2) prevents the territorial authority from conferring further responsibilities on the community board.

8 Procedures relating to resolution to constitute community

(1) An Order in Council or resolution giving effect to a proposal to constitute a community or communities must contain a description of each community concerned.

(2) A resolution constituting a community may not have effect unless—

(a) a description or plan of the community has been sent to the Surveyor-General of the land district within which the district is situated; and

(b) the Surveyor-General, or some person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward capable of identification.

(3) If the description of a community to which subclause (2) applies is defective, but the Surveyor-General or person appointed by the Surveyor-General certifies that it may be amended and the defect overcome without making a change in what was evidently intended to be the area comprised in the description, the description may be so amended by resolution, and must have effect as if the provisions of subclause (2) had been complied with.

(4) The following provisions apply to each resolution constituting a community or communities:

(a) a copy must be sent by the territorial authority to—

(i) the Secretary; and

(ii) the Surveyor-General; and

(iii) the Government Statistician; and

(iv) the Commission; and

(v) the Remuneration Authority; and

(b) a copy must be kept at the principal office of the territorial authority, and must be available for inspection without fee by any person during normal office hours.

Compare: 1974 No 66 s 101ZN

9 Union, alteration, or abolition of communities

(1) A community may be abolished or united with another community, and the boundaries of a community may be altered, by—

(a) an Order in Council made under section 25:

(b) the territorial authority or Commission as part of a review of the territorial authority's representation arrangements.

(2) An Order in Council under this clause must fix the date on which the communities must be united or on which the boundaries are altered or on which the community or communities are abolished.

(3) On the union of 2 communities under this clause, the former communities must be deemed to be abolished and the members of the boards of the communities must go out of office.

(4) On the date on which a community is abolished under this clause, the community board is deemed to be dissolved.

Compare: 1974 No 66 s 101ZO

Schedule 6 clause 9(1)(a): amended, on 5 December 2012, by section 37(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Schedule 7
Local authorities, local boards, community boards, and their members

ss 5(1), 41(1), 42(1), 48, 48Q, 53(1), 54, 59(2)

Schedule 7 heading: replaced, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Part 1
Provisions relating to local authorities and their members

Vacation of office by members

1 Disqualification of members

(1) A person's office as member of a local authority is vacated if the person, while holding office as a member of the local authority,—

(a) ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993; or

(b) is convicted of an offence punishable by a term of imprisonment of 2 years or more.

(2) If subclause (1)(b) applies,—

(a) the disqualification does not take effect—

(i) until the expiration of the time for appealing against the conviction or decision; or

(ii) if there is an appeal against the conviction or decision, until the appeal is determined; and

(b) the person is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during that time.

(3) A person may not do an act as a member while disqualified under subclause (1) or while on leave of absence under subclause (2).

Compare: 1974 No 66 s 101X

2 Ouster of office of member

(1) On proof by affidavit that a member of a local authority is, or has become, or was at the date of appointment or election, incapable of holding office under this Act, the District Court may call on that person to show cause why he or she should not be adjudged to be ousted from office.

(2) If the District Court concludes that the member is or was incapable of holding office, the court may adjudge that person to be ousted from office and that member is ousted from office accordingly.

(3) In proceedings under this clause, the District Court may exercise all the powers and authorities that it may exercise in its ordinary jurisdiction in civil cases, and the procedure of the court applies generally, so far as practicable.

(4) No matter in relation to a disputed appointment or election is to be heard by the District Court under this clause.

(5) If the District Court adjudges that a member be ousted from his or her office,—

(a) the decision is not to take effect—

(i) until the expiration of the time for appealing against the decision; or

(ii) if there is an appeal against the decision, until the appeal is determined; and

(b) the person is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during that time.

(6) The person may not do an act as a member while on leave of absence under subclause (5).

Compare: 1974 No 66 s 101Y

Schedule 7 clause 2(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Schedule 7 clause 2(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Schedule 7 clause 2(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Schedule 7 clause 2(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

3 Secretary to institute proceedings

(1) The Secretary must institute proceedings against a person who fails to comply with the requirements of clause 1(3), clause 2(6), or clause 14(1).

(2) Nothing in this clause prevents other persons from taking proceedings against a person who fails to comply with the requirements of clause 1(3), clause 2(6), or clause 14(1).

Compare: 1974 No 66 s 101Z

4 Member's right to resign

(1) A member of a local authority may resign office by notice in writing addressed and delivered to the chief executive of the local authority.

(2) The notice takes effect on the day on which it is delivered to the chief executive of the local authority.

Compare: 1974 No 66 s 101ZA

4A Suspension of members

(1) A person's office as member of a local authority is suspended while the person is subject to a property order made under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders).

(2) If subclause (1) applies,—

(a) the person is deemed to have been granted leave of absence and is not capable of acting as a member during the period of suspension; and

(b) the person may not do an act as a member while on leave of absence under paragraph (a).

Schedule 7 clause 4A: inserted, on 10 September 2008, by section 7(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

5 Extraordinary vacancies

(1) The office of a member of a local authority becomes vacant, and the vacancy that is created is an extraordinary vacancy, if the member—

(a) dies; or

(b) becomes subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or

(c) is disqualified from, or is ousted from, office; or

(d) is absent without leave of the local authority from 4 consecutive meetings (other than extraordinary meetings) of the local authority; or

(e) resigns under clause 4.

(2) Sections 117 to 120 of the Local Electoral Act 2001 apply to extraordinary vacancies.

Compare: 1974 No 66 s 101ZB

Schedule 7 clause 5(1)(b): substituted, on 10 September 2008, by section 7(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Schedule 7 clause 5(1)(d): amended, on 7 July 2004, by section 26(1) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Remuneration of members

6 Remuneration Authority to determine remuneration

(1) The Remuneration Authority must determine the remuneration, allowances, and expenses payable to—

(a) mayors, deputy mayors, chairpersons, deputy chairpersons, and members of local authorities:

(b) chairpersons of committees of local authorities:

(c) chairpersons and members of community boards:

(d) chairpersons of committees of community boards:

(e) chairpersons and members of local boards:

(f) chairpersons of committees of local boards:

(g) *[Repealed]*

(2) The Remuneration Authority may also determine the remuneration, allowances, and expenses payable to the following persons, if requested to do so by a local authority:

(a) members of the local authority with specified responsibilities other than those listed in subclause (1):

(b) members of community boards of the local authority with specified responsibilities other than those referred to in subclause (1):

(c) members of local boards with specified responsibilities other than those listed in subclause (1).

(3) The Remuneration Authority may do 1 or more of the following things under subclause (1) or (2):

(a) fix—

(i) scales of salaries:

(ii) scales of allowances:

(iii) ranges of remuneration:

(iv) different forms of remuneration:

(b) prescribe—

(i) rules for the application of those scales, ranges, or different forms of remuneration:

(ii) rules for reimbursing expenses incurred by members:

(c) differentiate—

(i) between persons occupying equivalent positions in different local authorities, community boards, or local boards:

(ii) between persons occupying equivalent positions in the same local authorities, community boards, or local boards:

(d) make determinations that apply to individuals, or groups, occupying equivalent positions:

(e) approve rules proposed by a local authority for reimbursing expenses incurred by members, subject to any conditions that the Authority thinks fit.

(4) The Remuneration Authority may direct a local authority to make publicly available any rules it has approved under subclause (3)(e).

(5) The Remuneration Authority may issue separate determinations, at different times, for the different positions listed in subclauses (1) and (2).

(6) Clause 7A applies to determinations made under this clause.

(7) A determination by the Remuneration Authority under this clause—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); but

(b) comes into force in accordance with clause 7A, even if it is not yet published.

(8) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 7 clause 6: replaced, on 5 December 2012, by section 38(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Schedule 7 clause 6(1)(g): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Schedule 7 clause 6(7): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 7 clause 6(8): repealed, on 22 October 2019, by section 34(1) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

7 Mandatory criteria for Remuneration Authority

(1) In determining remuneration under clause 6, the Remuneration Authority must have regard to the need to—

(a) minimise the potential for certain types of remuneration to distort the behaviour of the persons listed in clause 6(1) in relation to their positions as listed in clause 6(1); and

(b) achieve and maintain fair relativity with the levels of remuneration received elsewhere; and

(c) be fair both—

(i) to the persons whose remuneration is being determined; and

(ii) to ratepayers; and

(d) attract and retain competent persons.

(2) The criteria in subclause (1) do not prevent the Remuneration Authority from determining allowances additional to salary for attending meetings.

7A Matters applying to determinations

(1) The Remuneration Authority may make a determination before or after the date on which the determination is to come into force.

(2) However, a determination must not come into force earlier than the expiry date of the determination that it supersedes.

(3) A determination must specify the date on which it expires.

(4) Despite the expiry of a determination, it continues in force to the extent that it is not superseded by another determination.

(5) The Remuneration Authority may amend a determination while it is in force.

(6) Despite subclause (5), the Remuneration Authority may amend the expiry date of a determination only if the Authority is satisfied that in all the circumstances there are particular and special reasons that justify a period of less than the term originally set.

(7) The Remuneration Authority must review and issue a determination for each position listed in clause 6(1) at intervals of no more than 3 years.

Schedule 7 clause 7A: inserted, on 5 December 2012, by section 38(3) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

8 Submissions to Remuneration Authority

(1) Any person or organisation may make a written submission to the Remuneration Authority about a determination to be made by the Remuneration Authority under clause 6.

(2) The Remuneration Authority may, in its discretion, invite a person or organisation to make an oral submission about a determination to be made by the Remuneration Authority under clause 6.

9 Publication of determinations

The Remuneration Authority must—

(a) deliver to the Minister a copy of every determination it makes under clause 6; and

(b) publish each determination in the *Gazette* within 14 days of delivering it to the Minister.

10 Levy regulations for Remuneration Authority costs

(1) The Governor-General may, by Order in Council (made on the recommendation of the Minister), make regulations prescribing the method by which the Minister responsible for the Remuneration Authority may levy local authorities an annual amount for the purpose of recovering the costs in the previous financial year of the Remuneration Authority, in making determinations under clause 6.

(2) Regulations made under subclause (1)—

(a) must specify—

(i) the date by which the Minister responsible for the Remuneration Authority must set the levy; and

(ii) the basis on which the amount of the levy is to be calculated for each local authority; and

(iii) when the levy must be paid; and

(iv) how the levy is to be notified and collected; and

(b) may provide for—

(i) the deduction of over-recoveries for a financial year from a levy payable in subsequent financial years; and

(ii) the addition of under-recoveries for a financial year to a levy payable in a subsequent year.

(3) Regulations under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 7 clause 10: substituted, on 7 July 2004, by section 26(2) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 10(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

10A Minister responsible for Remuneration Authority to set levy

(1) The Minister responsible for the Remuneration Authority may, in each financial year, set a levy on local authorities in accordance with any regulations made under clause 10.

(2) The levy comes into effect on the 28th day after the date on which the Minister responsible for the Remuneration Authority notifies in the *Gazette*—

(a) his or her intention to set the levy; and

(b) the amount of levy payable by each local authority.

(3) The Minister responsible for the Remuneration Authority must notify the Minister of the information required under subclause (2) prior to acting under that subsection.

(4) A local authority must pay a levy set under this clause; and any amount of unpaid levy is recoverable in a court of competent jurisdiction by the Crown as a debt due.

Schedule 7 clause 10A: inserted, on 7 July 2004, by section 26(2) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

11 Members and officers of Remuneration Authority to maintain secrecy

(1) This section applies to—

(a) members of the Remuneration Authority; and

(b) persons engaged or employed by the Remuneration Authority in its work.

(2) A person to whom this section applies—

(a) must keep secret all matters and information that come to the person's knowledge while performing or exercising his or her responsibilities, duties, or powers under this Act except the personal information specified in subsection (3); and

(b) must not communicate those matters or information except—

(i) in performing or exercising those responsibilities, duties, and powers; or

(ii) under subsection (3).

(3) The Remuneration Authority is required to comply with information privacy principles 6, 7, 11, and 12 set out in section 22 of the Privacy Act 2020 and disclose personal information as necessary.

Schedule 7 clause 11(3): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

12 Payments

If a determination is made, a local authority must make payment to the person concerned in accordance with the conditions of the determination.

Compare: 1974 No 66 s 101ZZM

13 Meaning of remuneration

In clauses 6, 7, 8, and 9, **remuneration** includes—

(a) salary, wages, and other payments in return for services; and

(b) monetary and non-monetary benefits and emoluments in return for services.

Conduct of members

14 Declaration by member

(1) A person may not act as a member of a local authority until—

(a) that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and

(b) a written version of the declaration has been attested as provided under subclause (2).

(2) The written declaration must be signed by the member and witnessed by—

(a) the chairperson; or

(b) the mayor; or

(c) a member of the local authority; or

(d) the chief executive of the local authority; or

(e) in the absence of the chief executive, some other officer appointed by the chief executive.

(3) The form of the declaration must consist of the following elements:

Declaration by mayor or chairperson or member

"I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [*region or district*], the powers, authorities, and duties vested in, or imposed upon, me as [*mayor or chairperson or member*] of the [*local authority*] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act

Dated at: [*place, date*]

Signature:

Signed in the presence of:

CD, [*mayor or chairperson or member or chief executive of local authority*]".

Compare: 1974 No 66 s 114U

15 Code of conduct

(1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

(2) The code of conduct must set out—

(a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—

(i) behaviour toward one another, staff, and the public; and

(ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—

(A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and

(B) relates to the ability of the local authority to give effect to any provision of this Act; and

(b) a general explanation of—

(i) the Local Government Official Information and Meetings Act 1987; and

(ii) any other enactment or rule of law applicable to members.

(3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.

(4) A member of a local authority must comply with the code of conduct of that local authority.

(5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.

(6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.

(7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

16 Members to abide by standing orders

(1) A member of a local authority must abide by the standing orders adopted under clause 27.

(2) A constable, or an officer or employee of a local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member—

(a) refuses or fails to leave the meeting; or

(b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson.

Compare: 1974 No 66 s 114V

Schedule 7 clause 16(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Election and removal of chairperson, deputy chairperson, and deputy mayor

17 Election of deputy mayor or deputy chairperson

(1) A territorial authority must elect 1 of its members to be its deputy mayor in accordance with clause 25.

(2) A regional council must elect 1 of its members to be its deputy chairperson in accordance with clause 25.

(3) The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all the powers, of the mayor or chairperson,—

(a) with the consent of the mayor or chairperson, at any time during the temporary absence of the mayor or chairperson:

(b) without that consent, at any time while the mayor or chairperson is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office:

(c) while there is a vacancy in the office of the mayor or chairperson.

(4) In the absence of proof to the contrary, a deputy mayor or deputy chairperson acting as mayor or chairperson is presumed to have the authority to do so.

(5) A deputy mayor or deputy chairperson continues to hold his or her office as deputy mayor or deputy chairperson, so long as he or she continues to be a member of the territorial authority or regional council, until the election of his or her successor.

Compare: 1974 No 66 s 101U

18 Power to remove chairperson, deputy chairperson, or deputy mayor

(1) At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its chairperson, deputy chairperson, or deputy mayor from office.

(2) If a chairperson, deputy chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new chairperson, deputy chairperson, or deputy mayor at that meeting.

(3) A meeting to remove a chairperson, deputy chairperson, or deputy mayor may be called by—

(a) a resolution of the territorial authority or regional council; or

(b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).

(4) A resolution or requisition must—

(a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and

(b) indicate whether or not, if the chairperson, deputy chairperson, or deputy mayor is removed from office, a new chairperson, deputy chairperson, or deputy mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.

(5) A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.

(6) The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.

(7) A resolution removing a chairperson, deputy chairperson, or deputy mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

Compare: 1974 No 66 s 101V

Calling of meetings

19 General provisions for meetings

(1) A local authority must hold the meetings that are necessary for the good government of its region or district.

(2) A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

(3) A meeting of a local authority must be called and conducted in accordance with—

(a) this schedule; and

(b) Part 7 of the Local Government Official Information and Meetings Act 1987; and

(c) the standing orders of the local authority.

(4) A local authority must hold meetings at the times and places that it appoints.

(5) Unless clause 21A, 22, or 22A applies, the chief executive must give notice in writing to each member of the time and place of a meeting—

(a) not less than 14 days before the meeting; or

(b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule.

(6) If a local authority adopts a schedule of meetings,—

(a) the schedule—

(i) may cover any future period that the local authority considers appropriate; and

(ii) may be amended; and

(b) notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.

Compare: 1974 No 66 ss 114C, 114E

Schedule 7 clause 19(4): amended, on 7 July 2004, by section 26(3) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 19(5): amended, on 31 August 2023, by section 49(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 7 clause 19(5): amended, on 21 March 2019, by section 26(1) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Schedule 7 clause 19(5): amended, on 7 July 2004, by section 26(4) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 19(6): amended, on 7 July 2004, by section 26(5) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

20 Meetings not invalid because notice not given

(1) A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless—

(a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and

(b) the member concerned did not attend the meeting.

(2) A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member.

Compare: 1974 No 66 s 114H

21 First meeting of local authority following triennial general election of members

(1) The first meeting of a local authority following a triennial general election must be called by the chief executive as soon as practicable after the date by which a candidate may apply for a recount has passed and—

(a) the results of the election are known; or

(b) if an application for a recount is filed by a candidate or the electoral officer, the recount has been completed and the candidates to be declared elected are known.

(2) The chief executive must give the persons elected to the local authority not less than 7 days' notice of the meeting.

(3) Despite subclause (2), if an emergency exists, the chief executive may give notice of the meeting as soon as practicable.

(4) The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14.

(5) The business that must be conducted at the meeting must include—

(a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14; and

(b) the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under clause 14; and

(c) a general explanation, given or arranged by the chief executive, of—

(i) the Local Government Official Information and Meetings Act 1987; and

(ii) other laws affecting members, including—

(A) the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and

(B) sections 99, 105, and 105A of the Crimes Act 1961; and

(C) the Secret Commissions Act 1910; and

(D) the Financial Markets Conduct Act 2013; and

(d) the fixing of the date and time of the next meeting of the local authority, or the adoption of a schedule of meetings; and

(e) the election of the deputy mayor or deputy chairperson in accordance with clause 17.

(6) However, if an urgent meeting of the local authority has been held under clause 21A, the business that must be conducted at the first meeting of the local authority does not include any business already dealt with at that urgent meeting.

(7) In this clause, **first meeting** does not include any urgent meeting held under clause 21A.

Compare: 1974 No 66 s 114D

Schedule 7 clause 21(1): replaced, on 31 August 2023, by section 49(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 7 clause 21(5)(c)(ii)(D): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Schedule 7 clause 21(5)(d): amended, on 31 August 2023, by section 49(3) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 7 clause 21(5)(d): amended, on 7 July 2004, by section 26(6) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 21(6): inserted, on 31 August 2023, by section 49(4) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 7 clause 21(7): inserted, on 31 August 2023, by section 49(4) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

21A Chief executive may call urgent meeting following triennial general election of members

(1) This clause applies if—

(a) an application for a recount has been made following a triennial general election of members of a local authority; and

(b) an event occurs that, in the opinion of the chief executive, requires the local authority to deal with a matter urgently; and

(c) the first meeting of the local authority has not yet been called under clause 21(1).

(2) Despite clause 21(1)(b), the chief executive may call an urgent meeting of the local authority before the candidates to be declared elected after a recount are known.

(3) If the chief executive calls an urgent meeting under subclause (2), the chief executive must—

(a) give notice of the urgent meeting as soon as practicable to every person who—

(i) is not an affected candidate; and

(ii) has been declared to be elected to the local authority; and

(b) give notice to each of those persons, by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting, of—

(i) the time and place of the urgent meeting; and

(ii) the matter in respect of which the urgent meeting is being called.

(4) For the purposes of section 46 of the Local Government Official Information and Meetings Act 1987, an urgent meeting that is called by the chief executive under this clause is to be treated as if it were an emergency meeting called by the local authority.

(5) For the purposes of this clause and clause 21B, a candidate is an **affected candidate** if—

(a) the candidate may be affected by the recount; or

(b) the recount has determined that an equal number of votes has been received by the candidate and 1 or more other candidates in the election and the electoral officer has not declared, or determined, which candidate is to be elected to the local authority.

Schedule 7 clause 21A: inserted, on 31 August 2023, by section 49(5) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

21B Conduct of urgent meeting

(1) The business to be conducted at an urgent meeting called under clause 21A—

(a) must include the following matters:

(i) in respect of the persons described in clause 21A(3)(a), the making and attesting of the declarations required of the mayor (if any) and members under clause 14:

(ii) the general explanation described in clause 21(5)(c):

(iii) the matter in respect of which the urgent meeting is being called; and

(b) may include the election of a member to preside at the urgent meeting; but

(c) must not include any other matter.

(2) However, 1 or both of the matters described in subclause (1)(a)(i) and (ii) may be omitted from the business to be conducted at an urgent meeting if the matter was dealt with at a previous urgent meeting.

(3) An affected office is to be treated as a vacancy in the membership of the local authority for the meeting.

(4) The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting unless and until—

(a) the mayor (if any) has made and attested the declaration required under clause 14; or

(b) the members that are present have—

(i) made and attested the declaration required under clause 14; and

(ii) elected 1 of their number to preside at the meeting.

(5) An affected candidate must not participate in the meeting, but may attend the meeting if it is open to the public.

(6) In this clause, **affected office** means an office as a member of the local authority to which no candidate has been declared to be elected because the relevant candidates are affected candidates.

Schedule 7 clause 21B: inserted, on 31 August 2023, by section 49(5) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

22 Extraordinary meetings

(1) Despite clause 19(4) to (6), an extraordinary meeting of a local authority may be called by—

(a) a resolution of the local authority; or

(b) requisition in writing delivered to the chief executive and signed by—

(i) the mayor or chairperson; or

(ii) not less than one-third of the total membership of the local authority (including vacancies).

(2) Notice in writing of the time and place of the meeting called under subclause (1) and of the general nature of business must be given by the chief executive to each member of the local authority—

(a) at least 3 working days before the day appointed for the meeting; or

(b) if the meeting is called by a resolution, within a lesser period of notice that is specified in the resolution, being not less than 24 hours.

Schedule 7 clause 22: replaced, on 21 March 2019, by section 26(2) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

22A Emergency meetings

(1) Despite clause 19(4) to (6), if the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements of clause 22(2)(a) and it is not practicable to call the meeting by resolution, an emergency meeting may be called by—

(a) the mayor or chairperson; or

(b) if the mayor and chairperson are unavailable, the chief executive.

(2) Notice of the time and place of an emergency meeting and of the matters in respect of which the emergency meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting.

Schedule 7 clause 22A: inserted, on 21 March 2019, by section 26(2) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Conduct of meetings

23 Quorum of councils and committees

(1) A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.

(2) Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.

(3) The quorum at a meeting of—

(a) a local authority consists of—

(i) half of the members if the number of members (including vacancies) is even; or

(ii) a majority of members if the number of members (including vacancies) is odd; and

(b) a committee—

(i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and

(ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.

Compare: 1974 No 66 s 114I

24 Voting

(1) The acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by—

(a) vote; and

(b) the majority of members that are present and voting.

(2) For the purposes of subsection (1), the mayor or chairperson or other person presiding at the meeting—

(a) has a deliberative vote; and

(b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).

(3) An act or question coming before the local authority must be done or decided by open voting.

(4) Subsections (1) and (2) apply unless—

(a) this Act provides otherwise; or

(b) the standing orders of the local authority expressly provide otherwise.

Schedule 7 clause 24: substituted, on 7 July 2004, by section 26(7) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

25 Voting systems for certain appointments

(1) This clause applies to—

(a) the election or appointment of the chairperson and deputy chairperson of a regional council; and

(b) the election or appointment of the deputy mayor; and

(c) the election or appointment of the chairperson and deputy chairperson of a committee; and

(d) the election or appointment of a representative of a local authority.

(2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

(a) the voting system in subclause (3) (**system A**):

(b) the voting system in subclause (4) (**system B**).

(3) System A—

(a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and

(b) has the following characteristics:

(i) there is a first round of voting for all candidates; and

(ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and

(iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and

(iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

(4) System B—

(a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and

(b) has the following characteristics:

(i) there is only 1 round of voting; and

(ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Compare: 1974 No 66 s 114K

Schedule 7 clause 25(2): substituted, on 7 July 2004, by section 26(8) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 25(3): substituted, on 7 July 2004, by section 26(8) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 25(4): added, on 7 July 2004, by section 26(8) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

25A Attendance at meetings by audio link or audiovisual link

(1) A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee by means of audio link or audiovisual link if—

(a) the standing orders of the local authority permit attendance at that meeting by means of audio link or audiovisual link; and

(b) the presiding member at that meeting is satisfied that all conditions and requirements in the standing orders in relation to attendance at that meeting by means of audio link or audiovisual link are met.

(2) A person other than a member of a local authority, or committee, may participate in a meeting of the local authority or committee by means of audio link or audiovisual link if—

(a) the standing orders of the local authority permit participation at that meeting by persons other than members by means of audio link or audiovisual link; and

(b) the presiding member at that meeting is satisfied that all conditions and requirements in the standing orders are met in relation to—

(i) participation at that meeting by persons other than members; and

(ii) the use of audio link or audiovisual link for that participation.

(3) The person presiding must, for the purposes of subclause (1) or (2), ensure that—

(a) technology for the audio link or audiovisual link is available and is of suitable quality; and

(b) the procedure for the use of that technology in all the circumstances of the particular meeting will ensure that—

(i) all those participating in the meeting can hear and be heard by each other; and

(ii) in relation to subclause (1), the attendance of a member by means of audio link or audiovisual link does not reduce the accountability or accessibility of that person in relation to the meeting; and

(iii) the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met.

(4) A member of the local authority or committee who attends a meeting by means of audio link or audiovisual link, in accordance with this clause, is to be counted as present for the purposes of clause 23.

(5) Nothing in this clause requires a local authority to make technology for an audio link or audiovisual link available.

(6) A document may be given or shown to, or by, a person appearing at a meeting by way of audio link or audiovisual link—

(a) by transmitting it electronically; or

(b) by use of audiovisual link (if the person is appearing by audiovisual link); or

(c) by any other manner that the person presiding thinks fit.

(7) In this clause,—

audio link means facilities that enable audio communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting

audiovisual link means facilities that enable audio and visual communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting.

Schedule 7 clause 25A: inserted, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 7 clause 25A(4): replaced, on 1 October 2024, by section 49(6) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

25B Modifications to clause 25A during period 12 February 2023 to 30 September 2024

[Repealed]

Schedule 7 clause 25B: repealed, on 1 October 2024, by clause 25B(7).

25B Modifications to clause 25A while epidemic notice in force for COVID-19

[Repealed]

Schedule 7 clause 25B: repealed, on 20 October 2022, by clause 25B(7).

26 Chairperson of meetings

(1) The mayor or chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the mayor or chairperson vacates the chair for a particular meeting.

(2) The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting.

(3) The local authority may appoint a member of a committee to be the chairperson of that committee and, if the local authority, on the appointment of the

committee, does not appoint a chairperson, that power may be exercised by the committee.

(4) The local authority or the committee may appoint a deputy chairperson to act in the absence of the chairperson.

(5) If the mayor or chairperson of a local authority or the chairperson of a committee is absent from a meeting, the deputy mayor or deputy chairperson (if any) of the local authority or committee must preside.

(6) However, if a deputy mayor or deputy chairperson has not been appointed, or if the deputy mayor or deputy chairperson is also absent, the members of the local authority or of the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the mayor or chairperson.

Compare: 1974 No 66 s 114L

Schedule 7 clause 26(6): amended, on 7 July 2004, by section 26(9)(a) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 26(6): amended, on 7 July 2004, by section 26(9)(b) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Procedures at meetings

27 Standing orders

(1) A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees.

(2) The standing orders of a local authority must not contravene this Act, the Local Government Official Information and Meetings Act 1987, or any other Act.

(3) After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.

(4) A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

(5) Where a local authority wishes to permit the use of audio link or audiovisual link for the purposes of clause 25A(1)(a), the local authority—

(a) must first provide for this matter in its standing orders; and

(b) may include in its standing orders matters concerning the use of audio links or audiovisual links at meetings, including, without limitation,—

(i) specifying the type or types of meeting at which members may participate by way of audio link or audiovisual link; and

(ii) attendance requirements; and

(iii) prescribing any method or technology of audio links and audiovisual links; and

(iv) any other requirements that the local authority considers are appropriate to maintain public confidence in the transparency and integrity of decision-making processes and the conduct of members during these processes; and

(v) specifying that any person wishing to participate in this manner must make prior arrangement with the local authority.

Compare: 1974 No 66 s 114M

Schedule 7 clause 27(5): inserted, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

28 Minutes of proceedings

(1) A local authority must keep minutes of its proceedings.

(2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.

Compare: 1974 No 66 s 114N

29 Proceedings not invalidated by vacancies, irregularities, etc

An act or proceeding of a local authority or committee, or of a person acting as a member of a local authority or committee, is not invalidated by—

(a) a vacancy in the membership of the local authority or committee at the time of that act or proceeding; or

(b) the subsequent discovery—

(i) of some defect in the election or appointment of the person acting as a member of the local authority or committee; or

(ii) that that person was or is incapable of being a member.

Compare: 1974 No 66 s 114O

Subordinate decision-making structures

30 Power to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees

(1) A local authority may appoint—

(a) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate; and

(b) a joint committee with another local authority or other public body in accordance with clause 30A.

(2) A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.

(3) A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body.

(4) A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.

(5) Unless expressly provided otherwise in an Act,—

(a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and

(b) a committee may discharge or reconstitute a subcommittee.

(6) Nothing in this clause entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of decision by a committee, a subcommittee, or another subordinate decision-making body.

(7) A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.

(8) *[Repealed]*

(9) *[Repealed]*

(10) *[Repealed]*

Compare: 1974 No 66 ss 114P, 114R, 114S(3)–(5)

Schedule 7 clause 30(1)(b): amended, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 7 clause 30(8): repealed, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 7 clause 30(9): repealed, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 7 clause 30(10): repealed, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

30A Joint committees

(1) A local authority may not appoint a joint committee under clause 30(1)(b) unless it has first reached agreement with every other local authority or public body that is to appoint members of the committee.

(2) An agreement under subclause (1) must specify—

(a) the number of members each local authority or public body may appoint to the committee; and

(b) how the chairperson and deputy chairperson of the committee are to be appointed; and

(c) the terms of reference of the committee; and

(d) what responsibilities (if any) are to be delegated to the committee by each local authority or public body; and

(e) how the agreement may be varied.

(3) An agreement under subclause (1) may also specify any other matter relating to the appointment, operation, or responsibilities of the committee that the parties agree.

(4) A local authority or public body must not enter into an agreement under subclause (1) that is inconsistent with any enactment applying to that local authority or public body, or its members.

(5) A joint committee appointed under clause 30(1)(b) is deemed to be both a committee of the appointing local authority and a committee of each other local authority or public body that has appointed members to the committee.

(6) This Part applies to a joint committee except that—

(a) the powers to discharge any individual member and appoint another in his or her stead must be exercised by the local authority or public body that made the appointment; and

(b) the quorum at a meeting of the committee consists of—

(i) half of the members if the number of members (including vacancies) is an even number; or

(ii) a majority of members if the number of members (including vacancies) is an odd number; and

(c) the following matters may be varied by an agreement under subclause (1):

(i) the procedure by which the chairperson and deputy chairperson are to be appointed:

(ii) the procedure by which the chairperson or deputy chairperson may be removed from that office:

(iii) whether a quorum must include 1 or more members appointed by each party, or any party:

(iv) the extent to which the standing orders of any local authority or public body apply to meetings of the joint committee.

(6A) For the purposes of subclause (6)(b), a mayor who is a member of the committee solely by operation of section 41A(5) is not counted as a member of the committee for the purposes of determining—

(a) the number of members required to constitute a quorum; or

(b) whether a quorum exists at a meeting.

(7) Nothing in subclauses (1) to (4) applies to a joint committee constituted or continued by, or required to be constituted or continued by, an enactment other than this Act.

Schedule 7 clause 30A: inserted, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 7 clause 30A(6A): inserted, on 22 October 2019, by section 34(2) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 7 clause 30A(7): amended, on 22 October 2019, by section 34(3) of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

31 Membership of committees and subcommittees

(1) A local authority may appoint or discharge any member of a committee or a subcommittee.

(2) Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

(3) The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.

(4) Despite subclause (3),—

(a) at least 1 member of a committee must be an elected member of the local authority; and

(b) an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.

(5) If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7), the local authority may replace the members of that committee, subcommittee, or other subordinate decision-making body after the next triennial general election of members.

(6) The minimum number of members—

(a) is 3 for a committee; and

(b) is 2 for a subcommittee.

Compare: 1974 No 66 s 114R

Delegations

32AA Meaning of officer

For the purposes of clauses 32, 32A, and 32B, **officer** means—

(a) a named person; or

(b) the person who is for the time being the holder of a specified office.

Schedule 7 clause 32AA: inserted, on 28 June 2006, by section 28(1) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

32 Delegations

(1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—

(a) the power to make a rate; or

(b) the power to make a bylaw; or

(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or

(d) the power to adopt a long-term plan, annual plan, or annual report; or

(e) the power to appoint a chief executive; or

(f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or

(g) *[Repealed]*

(h) the power to adopt a remuneration and employment policy.

(2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).

(3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or to another committee or subordinate decision-making body, community board, or member or officer of the local authority, but, to avoid doubt, if doing so is itself a sub-delegation, the power to so delegate is subject to any conditions, limitations, or prohibitions imposed in connection with the primary delegation.

(4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

(5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.

(6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

(7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

(8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Compare: 1974 No 66 s 114Q

Schedule 7 clause 32(1)(c): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(d): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(f): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 7 clause 32(1)(g): repealed, on 7 July 2004, by section 26(12) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 32(1)(h): inserted, on 5 December 2012, by section 38(4) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Schedule 7 clause 32(3): replaced, on 21 March 2019, by section 26(3) of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

32A Delegation of power to issue warrants to enforcement officers

(1) A local authority may delegate to a committee or member or officer of the local authority the power to issue warrants to enforcement officers.

(2) A delegation under subclause (1) may—

(a) limit or restrict the exercise of the power; or

(b) impose conditions on the exercise of the power; or

(c) prohibit, in specified circumstances, the exercise of the power.

(3) The local authority must determine the matters in subclause (2) before acting under subclause (1).

(4) Clause 32(2) to (8), with all necessary modifications, applies to a delegation made under this clause.

Schedule 7 clause 32A: inserted, on 7 July 2004, by section 26(14) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

32B Delegation of powers by officer

(1) An officer of a local authority may delegate to any other officer of the local authority 1 or more of his or her powers under this Act or any other enactment except—

(a) the power to delegate under this clause; or

(b) any power delegated to the officer under clause 32 that is subject to a prohibition on delegation; or

(c) any power under an enactment where the enactment expressly prohibits the delegation of the power.

(2) An officer acting under subclause (1) may include conditions, limitations, or prohibitions in the delegation.

(3) An officer to whom any responsibilities, powers, or duties are delegated may, without confirmation by the officer that made the delegation, exercise or perform them in the like manner and with the same effect as if the officer who made the delegation could himself or herself have exercised or performed them.

(4) To avoid doubt, no delegation relieves the officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

Schedule 7 clause 32B: inserted, on 7 July 2004, by section 26(14) of the Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Schedule 7 clause 32B(1)(a): amended, on 28 June 2006, by section 28(2) of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Employment of staff

33 Appointment of chief executive

The local authority must, in making an appointment under section 42, have regard to the need to appoint a person who will—

(a) discharge the specific responsibilities placed on the appointee; and

(b) imbue the employees of the local authority with a spirit of service to the community; and

(c) promote efficiency in the local authority; and

(d) be a responsible manager; and

(e) maintain appropriate standards of integrity and conduct among the employees of the local authority; and

(f) ensure that the local authority is a good employer; and

(g) promote equal employment opportunities.

Compare: 1974 No 66 s 119C

34 Terms of employment of chief executive

(1) A chief executive appointed under section 42 may not be appointed for a term of more than 5 years.

(2) The local authority and the chief executive must enter into a performance agreement.

(3) When the term of appointment expires, a vacancy exists in the office of the chief executive, and that vacancy must be advertised.

(4) Despite subclause (3), if the local authority has completed a review under clause 35, that local authority may, without advertising the vacancy, appoint the incumbent chief executive for a second term not exceeding 2 years on the expiry of the first term of appointment.

(5) After completing a review under clause 35, but before the date on which the chief executive's contract of employment for the first term expires, the local authority must resolve whether or not to—

(a) appoint the chief executive for a second term under subclause (4); or

(b) advertise the vacancy.

(6) If a vacancy is advertised,—

(a) the incumbent chief executive may apply for the position; and

(b) the local authority must give due consideration to any application for the position by the incumbent chief executive.

(7) Despite the provisions of any other enactment or rule of law, a chief executive has no right or expectation of renewed employment at the end of any term.

35 Performance review at end of first term of appointment

(1) A local authority must, not less than 6 months before the date on which the chief executive's contract of employment for the first term expires, conduct and complete a review of the employment of the chief executive.

(2) The review must assess—

(a) the performance of the chief executive; and

(b) the mix of skills and attributes possessed by the chief executive, and the degree to which they are consistent with the skills and attributes that the local authority considers necessary for the future; and

(c) any other factors that the local authority considers relevant.

(3) To avoid doubt, responsibility for determining the degree to which any factors in subclause (2)(a) and (b) apply to a review, and the relevance of any additional factors under subclause (2)(c), rests solely with the local authority.

(4) Subclause (1) does not apply if the incumbent chief executive declares in writing to the local authority that he or she does not wish to be considered for appointment to a second term.

Compare: 1974 No 66 s 119E

36 Local authority to be good employer

(1) A local authority, and any other person having responsibility for the selection and management of employees of the local authority, must operate a personnel policy that complies with the principle of being a good employer.

(2) For the purposes of this clause, a **good employer** means an employer who operates a personnel policy containing provisions generally accepted as neces-

sary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

(a) good and safe working conditions; and

(b) an equal employment opportunities programme; and

(c) the impartial selection of suitably qualified persons for appointment; and

(d) recognition of—

(i) the aims and aspirations of Māori; and

(ii) the employment requirements of Māori; and

(iii) the need for greater involvement of Māori in local government employment; and

(e) opportunities for the enhancement of the abilities of individual employees; and

(f) recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and

(g) recognition of the employment requirements of women; and

(h) recognition of the employment requirements of persons with disabilities.

(3) In addition to the requirements specified in subclauses (1) and (2), a local authority,—

(a) when making an appointment, must give preference to the person who is best suited to the position; and

(b) must ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest.

Compare: 1974 No 66 s 119F

36A Remuneration and employment policy

(1) A local authority may adopt a policy that sets out the policies of the local authority in relation to—

(a) employee staffing levels; and

(b) the remuneration of employees.

(2) A local authority must review a policy adopted under this clause at intervals of no more than 3 years.

Schedule 7 clause 36A: inserted, on 5 December 2012, by section 38(5) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Part 1A
Provisions relating to local boards and their members

Schedule 7 Part 1A: inserted, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

36B Code of conduct

Each member of each local board must comply with the code of conduct adopted by the governing body under clause 15.

Schedule 7 clause 36B: inserted, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

36C Delegations to local boards from governing body

(1) The governing body may delegate to a local board any of its responsibilities, duties, and powers, except the powers described in clause 32(1)(a) to (f).

(2) However, nothing in subclause (1) restricts the governing body's power to delegate to a local board the power to do anything precedent to the exercise by the governing body of any power referred to in clause 32(1)(a) to (f).

(3) In deciding whether to make a delegation, the governing body must weigh the benefits of reflecting local circumstances and preferences (through a delegation) against the importance and benefits of using a single approach in the district (through itself retaining the responsibility, duty, or power concerned).

(4) A local board to which the governing body has delegated a responsibility, duty, or power may, without confirmation by the governing body, exercise or perform the responsibility, duty, or power in the same manner and with the same effect as the governing body could have exercised or performed it.

(5) No delegation under this section relieves the governing body of the liability or legal responsibility to perform or ensure the performance of any responsibility or duty.

Schedule 7 clause 36C: inserted, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

36D Delegations by local boards

(1) For the purposes of efficiency and effectiveness in the conduct of a local board's business, a local board may delegate to a committee, subcommittee, or member of the local board, or to an officer of the unitary authority, any of its responsibilities, duties, and powers, except—

(a) the duty to identify and communicate the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the unitary authority:

(b) the power to propose a bylaw or an amendment to a bylaw:

(c) the power to confirm a bylaw or modify a proposed bylaw:

(d) the power to propose the revocation of a bylaw:

(e) the duty to adopt the local board plan for its area:

(f) the duty to enter into a local board agreement for its area with the governing body of the unitary authority:

(g) the power to apply to the Commission for a binding determination in respect of a dispute between the local board and the governing body:

(h) a responsibility, duty, or power that this Act or any other Act expressly provides may not be delegated.

(2) However, nothing in subclause (1) restricts the power of a local board to delegate to a committee, subcommittee, or member of the local board, or to an officer of the unitary authority, the power to do anything precedent to the performance or exercise by the local board of a responsibility, duty, or power specified in that subclause.

(3) Subclause (1) applies to any responsibilities, duties, or powers delegated to the local board by the governing body subject to any conditions, limitations, or prohibitions imposed by the governing body when making the original delegation.

(4) A committee, subcommittee, or person to which or to whom a local board has delegated a responsibility, duty, or power, may,—

(a) without confirmation by the local board, exercise or perform the responsibility, duty, or power in the same manner and with the same effect as the local board could have exercised or performed it:

(b) delegate the responsibility, duty, or power to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local board when making the original delegation.

(5) No delegation relieves the local board of the liability or legal responsibility to perform or ensure the performance of any responsibility or duty.

Schedule 7 clause 36D: inserted, on 8 August 2014, by section 71 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Part 2
Provisions relating to community boards and their members

37 Chairpersons of community boards

(1) A community board must have a chairperson.

(2) Clause 25 applies to the election of chairpersons of community boards.

Compare: 1974 No 66 s 101ZT

38 Provision of administrative and other facilities for community boards

A territorial authority within whose district the community of a community board is situated must provide the necessary administrative and other facilities for that community board.

Compare: 1974 No 66 s 101ZZB

39 Expenses of community boards

(1) The expenses of the performance and exercise by a community board of its responsibilities, duties, and powers must be paid by the territorial authority within whose district the community is situated.

(2) The territorial authority may fix a limit within which expenditure may be incurred under subclause (1), and no community board may incur expenditure in excess of any limit so fixed without the prior approval of the territorial authority.

(3) This clause does not apply in respect of any expenditure for which any rate has been made and levied within the community.

Compare: 1974 No 66 s 101ZZC

Schedule 7 clause 39(1): amended, on 27 November 2010, by section 46 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 8
Statements of intent for council-controlled organisations

s 64

Schedule 8: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 1
Adoption of statement of intent

Schedule 8 Part 1 heading: inserted, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

1 Draft statement of intent

(1) The board of a council-controlled organisation must deliver a draft statement of intent—

(a) to its shareholders; and

(b) in the case of an organisation that is indirectly controlled by 1 or more local authorities (for example, a subsidiary of a holding company owned by a local authority), to each local authority that indirectly controls the organisation.

(2) The draft statement of intent must be delivered on or before 1 March in the year preceding the financial year to which the draft statement of intent relates.

Schedule 8 clause 1: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

2 Consideration of shareholder comments

The board must consider any comments on the draft statement of intent that are made by the shareholders, and by local authorities with indirect control, or by any of them, on or before 1 May in the year preceding the year to which the draft statement relates.

Schedule 8 clause 2: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

3 Final statement of intent

The board must deliver the completed statement of intent to the shareholders before the commencement of the financial year to which it relates.

Schedule 8 clause 3: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

4 Shareholding local authority may extend deadlines by up to 1 month

The shareholders of a council-controlled organisation may, by written notice, extend a deadline specified in clause 1(2), 2, or 3 for a period or periods not exceeding in total 1 calendar month.

Schedule 8 clause 4: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

4A 2023/2024 statement of intent

[Repealed]

Schedule 8 clause 4A: repealed, on the close of 30 September 2023, by clause 4A(3).

5 Modifications of statements of intent

The board may, by written notice, modify a statement of intent at any time if the board has first—

(a) given written notice to the shareholders of the proposed modification; and

(b) considered any comments made on the proposed modification by the shareholders or by any of them within—

(i) 1 month after the date on which the notice under paragraph (a) was given; or

(ii) any shorter period that the shareholders may agree.

Schedule 8 clause 5: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

6 Modifications of statements of intent by resolution of shareholders

(1) The shareholders of a council-controlled organisation may, by resolution, require the board to modify the statement of intent in the manner specified in the resolution.

(2) Every modification that is required by a resolution under subclause (1) must be—

(a) consistent with the objectives of the constitution; and

(b) lawful.

(3) Before making a resolution under subclause (1), the shareholders must consult the board as to the proposed content of the resolution.

(4) As soon as practicable after receiving a resolution that complies with subclause (2), the board must—

(a) prepare and adopt a modified statement of intent that incorporates the modifications in the resolution; and

(b) deliver the modified statement of intent to each shareholder within 1 month of the date of its adoption; and

(c) make the modified statement of intent publicly available within 1 month of the date of its adoption.

(5) Subclause (1) applies despite any other provision of this Act or of the constitution of the council-controlled organisation.

Schedule 8 clause 6: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 2
Content of statements of intent: all council-controlled organisations

Schedule 8 Part 2 heading: inserted, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

7 Content of statement of intent

(1) The statement of intent for a council-controlled organisation must include the information described in subclause (2)—

(a) for the group comprising the council-controlled organisation and its subsidiaries (if any); and

(b) in respect of the financial year to which it relates and each of the immediately following 2 financial years.

(2) The information required by subclause (1) is—

(a) the objectives of the group; and

(b) a statement of the board's approach to the governance of the group; and

(c) the nature and scope of the activities to be undertaken by the group; and

(d) the non-financial performance targets and other measures by which the performance of the group may be judged in relation to its objectives; and

(e) any additional information that is required to be included in the statement of intent.

Schedule 8 clause 7: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

8 Additional content of statement of intent

(1) This clause applies to a council-controlled organisation that provides services, other than under a contract or similar arrangement, in relation to the following groups of activities:

(a) water supply:

(b) sewerage and the treatment and disposal of sewage:

(c) stormwater drainage:

(d) flood protection and control works:

(e) the provision of roads and footpaths.

(2) The council-controlled organisation's statement of intent must state the matters in subclause (3) in relation to each group of activities described in subclause (1).

(3) The matters required by subclause (2) are—

(a) any performance measures specified in a rule made under section 261B in relation to a group of activities described in subclause (1); and

(b) the performance target or targets of the council-controlled organisation for each performance measure.

Schedule 8 clause 8: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 3
Additional content of statements of intent of council-controlled trading organisations

Schedule 8 Part 3 heading: inserted, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

9 Additional content of statement of intent of council-controlled trading organisations

The statement of intent for a council-controlled trading organisation must include, as well as the information required by Part 2 of this schedule, the following information:

(a) the major accounting policies of the organisation or group; and

(b) the ratio of consolidated shareholders' funds to total assets, and the definitions of those terms; and

(c) an estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the shareholders; and

(d) the board's estimate of the commercial value of the shareholders' investment in the group and the manner in which, and the times at which, that value is to be reassessed.

Schedule 8 clause 9: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Part 4
Additional content of statements of intent of council-controlled organisations that are not trading organisations

Schedule 8 Part 4 heading: inserted, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

10 Additional content of statement of intent of council-controlled organisations that are not trading organisations

The statement of intent for a council-controlled organisation that is not a council-controlled trading organisation must include, as well as the information required by Part 2 of this schedule, the following information:

(a) the major accounting policies of the organisation or group; and

(b) forecast financial statements of the organisation for the financial year to which the statement of intent relates, and each of the 2 following financial years.

Schedule 8 clause 10: replaced, on 22 October 2019, by section 35 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

Schedule 9
Council-controlled organisations and transfer of undertakings

s 73

1 Transfer of leases, licences, etc, to council-controlled organisations

(1) Despite anything in any enactment or rule of law, property that is fixed to, or under or over, any land may be transferred under this Act by a local authority to a council-controlled organisation in which it holds equity securities, whether or not any interest in the land is also transferred.

(2) If any such property is so transferred, the property and the land must be regarded as separate property, each capable of separate ownership.

Compare: 1974 No 66 s 594ZE(2)

2 Modification of provisions of Public Works Act 1981

(1) Nothing in sections 40 to 42 of the Public Works Act 1981 applies to the transfer of land to a council-controlled organisation under this Act.

(2) However, after the transfer, sections 40 and 41 of that Act apply to that land as if the council-controlled organisation were a local authority and the land had not been transferred under this Act.

Compare: 1974 No 66 s 594ZF

3 Obligation to lodge caveat

(1) The rights of persons from whom land was acquired and their successors to have land offered to them under section 40(2) of the Public Works Act 1981 are deemed interests in land for the purposes of section 138 of the Land Transfer Act 2017, and the local authority that transfers the land to a council-controlled organisation under this Act must lodge an appropriate caveat.

(2) In stating the interest claimed by the caveator in a caveat lodged under subclause (1), it is sufficient to refer to sections 40 to 42 of the Public Works Act 1981 and to this clause.

Compare: 1974 No 66 s 594ZG

Schedule 9 clause 3(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 9 clause 3(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

4 Transfer of liabilities in relation to undertakings

(1) A local authority may transfer its liabilities in relation to an undertaking to a council-controlled organisation if the transfer is agreed to by—

(a) the local authority; and

(b) the council-controlled organisation; and

(c) any other affected parties.

(2) If an agreement is reached, the council-controlled organisation assumes the liabilities in relation to the undertaking as if it had entered into the contract or agreement that gave rise to the undertaking.

(3) If an agreement cannot be reached, the liabilities in relation to the undertaking remain with the local authority.

Compare: 1974 No 66 ss 594ZI, 594ZK

5 Certain matters not affected by transfer of liabilities in relation to undertakings

A transfer of liabilities in relation to an undertaking from a local authority to a council-controlled organisation—

(a) does not constitute a breach of contract or agreement, or a civil wrong; and

(b) does not abrogate the right of any person to cancel or amend any contract or agreement pertaining to the undertaking; and

(c) does not release any surety or guarantor from any obligation with respect to the undertaking.

Compare: 1974 No 66 s 594ZJ

6 Application of Income Tax Act 2007 and Goods and Services Tax Act 1985

(1) Nothing in sections CB 6A to CB 23B of the Income Tax Act 2007 applies to any land or asset disposed of by the local authority to a council-controlled organisation under this Act.

(2) For the purposes of sections CB 6A to CB 23B of the Income Tax Act 2007, if any land or asset is acquired by a council-controlled organisation from a local authority, that land or asset is deemed to have been acquired by the council-controlled organisation on the date on which it was acquired by that local authority.

(3) Nothing in sections EE 40(1) to (3) and EZ 12 of the Income Tax Act 2007 applies to any property acquired by a council-controlled organisation from a local authority under this schedule.

(4) For the purposes of the Goods and Services Tax Act 1985, a transfer of an undertaking from a local authority to a council-controlled organisation under this schedule is deemed to be a transfer of a part of a taxable activity as a going concern that is capable of separate operation.

Compare: 1974 No 66 s 594ZM

Schedule 9 clause 6 heading: amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 9 clause 6(1): amended, on 30 March 2025, by section 268(2) of the Taxation (Annual Rates for 2024–25, Emergency Response, and Remedial Measures) Act 2025 (2025 No 9).

Schedule 9 clause 6(1): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 9 clause 6(2): amended, on 30 March 2025, by section 268(2) of the Taxation (Annual Rates for 2024–25, Emergency Response, and Remedial Measures) Act 2025 (2025 No 9).

Schedule 9 clause 6(2): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 9 clause 6(3): amended (with effect on 1 April 2008), on 7 September 2010 (applies for the 2008–09 and later income years), by section 211(2) of the Taxation (Annual Rates, Trans-Tasman Savings Portability, KiwiSaver, and Remedial Matters) Act 2010 (2010 No 109).

Schedule 9 clause 6(3): amended (with effect on 1 April 2005), on 7 September 2010 (applies for the 2005–06 and later income years), by section 211(1) of the Taxation (Annual Rates, Trans-Tasman Savings Portability, KiwiSaver, and Remedial Matters) Act 2010 (2010 No 109).

Schedule 9 clause 6(3): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Schedule 10
Long-term plans, annual plans, and annual reports

ss 5(2), 75(f), 85(2), 93(7)(b), 95(6)(c), 98(1), 99A(1)

Schedule 10: substituted, on 27 November 2010, by section 48 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Contents

Page

Part 1
Information to be included in long-term plans

1	Community outcomes	435
1A	Implementation of regional spatial strategy	435
2	Groups of activities	436
3	Capital expenditure for groups of activities	436
4	Statement of service provision	437
5	Funding impact statement for groups of activities	437
6	Variation between territorial authority's long-term plan and assessment of water and sanitary services and waste management plans	437
7	Council-controlled organisations	438
8	Development of Māori capacity to contribute to decision-making processes	438
9	Financial strategy and infrastructure strategy	438
10	Revenue and financing policy	438
11	Significance and engagement policy	438
12	Forecast financial statements	439
13	Financial statements for previous year	439
14	Statement concerning balancing of budget	439
15	Funding impact statement	439
15A	Rating base information	441
16	Reserve funds	441
17	Significant forecasting assumptions	441
17A	Additional information to be included in long-term plan for unitary authority with local boards	442

Part 2
Information to be included in annual plan

18	Forecast financial statements	442
19	Financial statements for previous year	442
20	Funding impact statement	442
20A	Rating base information	444
21	Reserve funds	444

21A Additional information to be included in annual plan for unitary authority with local boards 444
22 Annual plan and amendment of long-term plan 445

Part 3
Information to be included in annual reports

23 Groups of activities 445
24 Capital expenditure for groups of activities 445
25 Statement of service provision 445
26 Funding impact statement for groups of activities 446
26A Statement on implementation of regional spatial strategy 446
27 Internal borrowing 446
28 Council-controlled organisations 446
29 Financial statements 447
30 Funding impact statement 447
30A Rating base information 447
31 Reserve funds 448
31A Insurance of assets 448
32 Remuneration issues 448
32A Employee staffing levels and remuneration 449
33 Severance payments 449
34 Statement of compliance 450
34A Additional information to be included in annual report of unitary authority with local boards 450
34B Additional information: RFT schemes *[Repealed]* 450
35 General 451

Part 4
Information to be included in pre-election report

36 Pre-election report 451
37 Substituted information for small local authorities 452

Part 1
Information to be included in long-term plans

1 Community outcomes

A long-term plan must, to the extent determined appropriate by the local authority, describe the community outcomes for the local authority's district or region.

1A Implementation of regional spatial strategy

[Repealed]

Schedule 10 clause 1A: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

2 Groups of activities

(1) A long-term plan must, in relation to each group of activities of the local authority,—

(a) identify the activities within the group of activities:

(b) identify the rationale for delivery of the group of activities (including the community outcomes to which the group of activities primarily contributes):

(c) outline any significant negative effects that any activity within the group of activities may have on the social, economic, environmental, or cultural well-being of the local community:

(d) include the information specified in clauses 4 and 5—

(i) in detail in relation to each of the first 3 financial years covered by the plan; and

(ii) in outline in relation to each of the subsequent financial years covered by the plan.

(2) In this schedule, each of the following activities is a group of activities:

(a) water supply:

(b) sewerage and the treatment and disposal of sewage:

(c) stormwater drainage:

(d) flood protection and control works:

(e) the provision of roads and footpaths.

(3) Despite subclause (2), a local authority may treat any other activities as a group of activities.

Schedule 10 clause 2(1)(c): replaced, on 14 May 2019, by section 9(1) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

3 Capital expenditure for groups of activities

(1) A long-term plan must, in relation to each group of activities of the local authority and for each financial year covered by the plan, include a statement of the amount of capital expenditure that the authority has budgeted to—

(a) meet additional demand for an activity; and

(b) improve the level of service; and

(c) replace existing assets.

(2) For the purpose of this clause, capital expenditure budgeted for 2 or all of the purposes in subclause (1) may be treated as if it were made solely in relation to the primary purpose of the expenditure.

Schedule 10 clause 3(2): amended, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

4 Statement of service provision

A long-term plan must, in relation to each group of activities of the local authority, include a statement of the intended levels of service provision that specifies—

(a) any performance measures specified in a rule made under section 261B for a group of activities described in clause 2(2); and

(b) the performance measures that the local authority considers will enable the public to assess the level of service for major aspects of groups of activities for which performance measures have not been specified under paragraph (a); and

(c) the performance target or targets set by the local authority for each performance measure; and

(d) any intended changes to the level of service that was provided in the year before the first year covered by the plan and the reasons for the changes; and

(e) the reason for any material change to the cost of a service.

5 Funding impact statement for groups of activities

(1) A long-term plan must, in relation to each year covered by the plan, include a funding impact statement in relation to each group of activities of the local authority.

(2) The funding impact statement must be in the prescribed form and must identify—

(a) the sources of funding to be used by the local authority; and

(b) the amount of funds expected to be produced from each source; and

(c) how the funds are to be applied.

6 Variation between territorial authority's long-term plan and assessment of water and sanitary services and waste management plans

A long-term plan for a territorial authority must identify and explain any significant variation between the proposals outlined in the long-term plan and the territorial authority's—

(a) assessment of drinking water, wastewater, and other sanitary services under sections 125 and 128:

(b) waste management and minimisation plans adopted under section 43 of the Waste Minimisation Act 2008.

Schedule 10 clause 6(a): replaced, on 15 November 2021, by section 213 of the Water Services Act 2021 (2021 No 36).

7 Council-controlled organisations

A long-term plan must, in relation to each council-controlled organisation in which the local authority is a shareholder,—

(a) name the council-controlled organisation and any subsidiary of the council-controlled organisation; and

(b) identify—

(i) the local authority's significant policies and objectives in relation to ownership and control of the organisation; and

(ii) the nature and scope of the activities to be provided by the council-controlled organisation; and

(iii) the key performance targets and other measures by which performance is to be judged.

Schedule 10 clause 7: amended, on 22 October 2019, by section 36 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

8 Development of Māori capacity to contribute to decision-making processes

A long-term plan must set out any steps that the local authority intends to take, having undertaken the consideration required by section 81(1)(b), to foster the development of Māori capacity to contribute to the decision-making processes of the local authority over the period covered by that plan.

9 Financial strategy and infrastructure strategy

A long-term plan must include a local authority's financial strategy described under section 101A and infrastructure strategy described under section 101B.

Schedule 10 clause 9: replaced, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

10 Revenue and financing policy

A long-term plan must include a local authority's revenue and financing policy already adopted under section 102(1).

Schedule 10 clause 10: amended, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

11 Significance and engagement policy

A long-term plan must contain—

(a) a summary (or other description) of the local authority's significance and engagement policy under section 76AA; and

(b) a reference to where the full policy can be found, which may be done by providing a link to the relevant document on the local authority's Internet site.

Schedule 10 clause 11: replaced, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 10 clause 11(b): amended, on 21 March 2019, by section 27 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

12 Forecast financial statements

(1) A long-term plan must include, for each of the financial years covered by the plan, forecast financial statements for the local authority.

(2) A long-term plan may include, for each of the financial years covered by the plan, or for any of those years, forecast financial statements for any council-controlled organisation or any other entity under the local authority's control.

13 Financial statements for previous year

(1) A long-term plan must include the numerical information from the forecast financial statements referred to in clause 12(1) that were prepared for the financial year that is the year before the first year covered by the plan.

(2) The numerical information must be presented in a way that allows the public to compare the information with the numerical information contained in the forecast financial statements for each of the financial years covered by the plan.

14 Statement concerning balancing of budget

If the local authority has resolved, under section 100(2), not to balance its operating budget in any year covered by the long-term plan, the plan must include—

(a) a statement of the reasons for the resolution and any other matters taken into account; and

(b) a statement of the implications of the decision.

15 Funding impact statement

(1) A long-term plan must include a funding impact statement in relation to each year covered by the plan.

(2) The funding impact statement must be in the prescribed form and must identify—

(a) the sources of funding to be used by the local authority; and

(b) the amount of funds expected to be produced from each source; and

(c) how the funds are to be applied.

(3) If the sources of funding include a general rate, the funding impact statement must—

(a) include particulars of the valuation system on which the general rate is to be assessed; and

(b) state whether a uniform annual general charge is to be included and, if so,—

(i) how the charge is to be calculated; and

(ii) the local authority's definition of a separately used or inhabited part of a rating unit, if the charge is to be calculated on that basis; and

(c) state whether the general rate is to be set differentially and, if so,—

(i) the categories of rateable land, within the meaning of section 14 of the Local Government (Rating) Act 2002, to be used; and

(ii) the objectives of the differential rate, in terms of the total revenue sought from each category of rateable land or the relationship between the rates set on rateable land in each category.

(4) If the sources of funding include a targeted rate, the funding impact statement must—

(a) specify the activities or groups of activities for which the targeted rate is to be set; and

(b) include particulars of the category, or categories, of rateable land, within the meaning of section 17 of the Local Government (Rating) Act 2002, to be used; and

(c) for each category, state—

(i) how liability for the targeted rate is to be calculated; and

(ii) the local authority's definition of a separately used or inhabited part of a rating unit, if the rate is to be calculated on that basis; and

(d) if the targeted rate is set differentially, state the total revenue sought from each category of rateable land or the relationship between the rates set on rateable land in each category; and

(e) state whether lump sum contributions will be invited in respect of the targeted rate.

(5) If the sources of funding include a general rate or a targeted rate, the funding impact statement must, for the first year covered by the long-term plan, include examples of the impact of the rating proposals in subclauses (3) and (4) on the rates assessed on different categories of rateable land with a range of property values.

(6) If the same source of funding is to be used in more than 1 of the years covered by the long-term plan, in order to comply with subclauses (2)(a), (3), and (4) with respect to that source, it is sufficient—

(a) to comply with those subclauses in relation to 1 of those years; and

(b) for the funding impact statement to specify the other years in respect of which that source is to be used.

15A Rating base information

A long-term plan must state, for each year covered by the plan, the projected number of rating units within the district or region of the local authority at the end of the preceding financial year.

Schedule 10 clause 15A: inserted, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

16 Reserve funds

A long-term plan must identify each reserve fund set aside by the local authority and, in relation to each fund, specify—

(a) the purpose of the fund; and

(b) the activities to which the fund relates; and

(c) the amount expected to be in the fund at—

(i) the commencement of the first year to which the long-term plan relates; and

(ii) the end of the last year to which the long-term plan relates; and

(d) the amount expected to be deposited in the fund in the period to which the long-term plan relates; and

(e) the amount expected to be withdrawn from the fund in the period to which the long-term plan relates.

17 Significant forecasting assumptions

A long-term plan must clearly identify—

(a) all the significant forecasting assumptions and risks underlying the financial estimates:

(b) without limiting the generality of paragraph (a), the following assumptions on which the financial estimates are based:

(i) the assumptions of the local authority concerning the life cycle of significant assets; and

(ii) the assumptions of the local authority concerning sources of funds for the future replacement of significant assets:

(c) in any case where significant forecasting assumptions involve a high level of uncertainty,—

(i) the fact of that uncertainty; and

(ii) an estimate of the potential effects of that uncertainty on the financial estimates provided.

Schedule 10 clause 17(b)(i): amended, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

17A Additional information to be included in long-term plan for unitary authority with local boards

In the case of a unitary authority for a district that includes 1 or more local board areas, a long-term plan must also—

(a) identify the non-regulatory activities of the unitary authority for which decision-making responsibility is allocated to 1 or more local boards under section 48L or under section 17 of the Local Government (Auckland Council) Act 2009:

(b) group the activities to which paragraph (a) relates separately from any other activity or group of activities of the unitary authority (there may be 1 or more groups, but each group of activities specified in clause 2(2) must be separately identified):

(c) include the estimated local board funding allocation for each local board for each year to which the long-term plan relates:

(d) include the local board agreement for each local board area for the first year to which the long-term plan relates.

Schedule 10 clause 17A: inserted, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Part 2
Information to be included in annual plan

18 Forecast financial statements

(1) An annual plan must include, for the financial year to which the plan relates, forecast financial statements for the local authority.

(2) An annual plan may include, for the financial year to which the plan relates, forecast financial statements for any council-controlled organisation or any other entity under the local authority's control.

19 Financial statements for previous year

(1) An annual plan must include the numerical information from the forecast financial statements referred to in clause 18(1) that were prepared for the financial year that is the year before the year covered by the plan.

(2) The numerical information described in subclause (1) must be presented in a way that allows the public to compare the information with the numerical information contained in the forecast financial statements for the financial year covered by the plan.

20 Funding impact statement

(1) An annual plan must include a funding impact statement for the year to which the plan relates.

(2) The funding impact statement must be in the prescribed form and must identify—

(a) the sources of funding to be used by the local authority; and

(b) the amount of funds expected to be produced from each source; and

(c) how the funds are to be applied.

(3) If the sources of funding include a general rate, the funding impact statement must—

(a) include particulars of the valuation system on which the general rate is to be assessed; and

(b) state whether a uniform annual general charge is to be included and, if so,—

(i) how the charge is to be calculated; and

(ii) the local authority's definition of a separately used or inhabited part of a rating unit, if the charge is to be calculated on that basis; and

(c) state whether the general rate is to be set differentially and, if so,—

(i) the categories of rateable land, within the meaning of section 14 of the Local Government (Rating) Act 2002, to be used; and

(ii) the objectives of the differential rate, in terms of the total revenue sought from each category of rateable land or the relationship between the rates set on rateable land in each category.

(4) If the sources of funding include a targeted rate, the funding impact statement must—

(a) specify the activities or groups of activities for which the targeted rate is to be set; and

(b) include particulars of the category, or categories, of rateable land, within the meaning of section 17 of the Local Government (Rating) Act 2002, to be used; and

(c) for each category, state—

(i) how liability for the targeted rate is to be calculated; and

(ii) the local authority's definition of a separately used or inhabited part of a rating unit, if the rate is to be calculated on that basis; and

(d) if the targeted rate is set differentially, state the total revenue sought from each category of rateable land or the relationship between the rates set on rateable land in each category; and

(e) state whether lump sum contributions will be invited in respect of the targeted rate.

(5) If the sources of funding include a general rate or a targeted rate, the funding impact statement must include examples of the impact of the rating proposals in subclauses (3) and (4) on the rates assessed on different categories of rateable land with a range of property values.

20A Rating base information

An annual plan must state—

(a) the projected number of rating units within the district or region of the local authority at the end of the preceding financial year:

(b) the projected total capital value of rating units within the district or region of the local authority at the end of the preceding financial year:

(c) the projected total land value of rating units within the district or region of the local authority at the end of the preceding financial year.

Schedule 10 clause 20A: inserted, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

21 Reserve funds

An annual plan must, for the year to which the plan relates, identify each reserve fund set aside by the local authority and, in relation to each fund, specify—

(a) the purpose of the fund; and

(b) the activities to which the fund relates; and

(c) the amount expected to be in the fund at—

(i) the commencement of the year; and

(ii) the end of the year; and

(d) the amount expected to be deposited in the fund during that year; and

(e) the amount expected to be withdrawn from the fund during that year.

21A Additional information to be included in annual plan for unitary authority with local boards

In the case of a unitary authority for a district that includes 1 or more local board areas, an annual plan must also, for the year to which the plan relates,—

(a) identify the non-regulatory activities of the unitary authority for which decision-making responsibility is allocated to 1 or more local boards under section 48L or section 17 of the Local Government (Auckland Council) Act 2009:

(b) include the estimated local board funding allocation for each local board:

(c) include the local board agreement for each local board area.

Schedule 10 clause 21A: inserted, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

22 Annual plan and amendment of long-term plan

To avoid doubt, a local authority may prepare and adopt the annual plan at the same time as it amends the long-term plan.

Part 3
Information to be included in annual reports

23 Groups of activities

An annual report must, in relation to each group of activities of the local authority,—

(a) identify the activities within the group of activities; and

(b) identify the community outcomes to which the group of activities primarily contributes; and

(c) report the results of any measurement undertaken during the year of progress towards the achievement of those outcomes; and

(d) describe any identified effects that any activity within the group of activities has had on the social, economic, environmental, or cultural well-being of the community.

Schedule 10 clause 23(d): replaced, on 14 May 2019, by section 9(2) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).

24 Capital expenditure for groups of activities

(1) An annual report must, in relation to each group of activities, include an audited statement comparing the capital expenditure budgeted by the local authority (as set out in the long-term plan or annual plan for the financial year) with the amount spent.

(2) The statement described in subclause (1) must show separately the amount of funds that the local authority intended to spend and the amount spent to—

(a) meet additional demand for a group of activities; and

(b) improve the level of performance in relation to a group of activities; and

(c) replace existing assets.

(3) For the purpose of this clause, capital expenditure budgeted for 2 or all of the purposes in subclause (2) may be treated as if it were made solely in relation to the primary purpose of the expenditure.

Schedule 10 clause 24(3): amended, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

25 Statement of service provision

An annual report must include an audited statement that—

(a) compares the level of service achieved in relation to a group of activities with the performance target or targets for the group of activities; and

(b) specifies whether any intended changes to the level of service have been achieved; and

(c) gives the reasons for any significant variation between the level of service achieved and the intended level of service.

26 Funding impact statement for groups of activities

(1) An annual report must, in relation to each year covered by the plan, include an audited funding impact statement for each group of activities of the local authority.

(2) The funding impact statement must be in the prescribed form and must—

(a) identify—

(i) the amount of funds produced from each source of funding; and

(ii) how the funds were applied; and

(b) compare the information in paragraph (a) with information included in the long-term plan in accordance with clause 5(2).

26A Statement on implementation of regional spatial strategy

[Repealed]

Schedule 10 clause 26A: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

27 Internal borrowing

(1) This clause applies to borrowing of the type described in paragraph (b)(iii) of the definition of borrowing in section 112 (**internal borrowing**).

(2) In relation to each group of activities of the local authority, an annual report must include—

(a) a statement of the amount of internal borrowing used for the purpose of the group of activities; and

(b) the amount of funds borrowed and repaid during the year; and

(c) the amount of interest (if any) paid in relation to the internal borrowing.

28 Council-controlled organisations

An annual report must include, in relation to each council-controlled organisation in which the local authority is a shareholder,—

(a) a report on the extent to which the local authority's significant policies and objectives in regard to ownership and control of the organisation (as set out in the relevant long-term plan or annual plan) have been implemented or attained in the year to which the report relates; and

(b) a comparison between the nature and scope of the activities intended to be provided by the organisation in the year to which the report relates (as

set out in the relevant long-term plan or annual plan) and the nature and scope of the activities actually provided by the organisation in that year; and

(c) a comparison between actual performance and the key performance targets and other measures set out in the relevant long-term plan or annual plan.

Schedule 10 clause 28: amended, on 22 October 2019, by section 36 of the Local Government Act 2002 Amendment Act 2019 (2019 No 54).

29 Financial statements

(1) An annual report must include—

(a) audited financial statements for the financial year for the local authority; and

(b) audited consolidated financial statements for the financial year; and

(c) such other information as is necessary to enable an informed assessment of the operations of each entity reported on; and

(d) the numerical information from the statements described in paragraphs (a) and (b) for the financial year before the financial year to which the report relates.

(2) The numerical information described in subclause (1)(d) must be presented in a way that allows the public to compare the information with the numerical information contained in the forecast financial statements for the financial year covered by the report.

30 Funding impact statement

(1) An annual report must include an audited funding impact statement for the financial year to which the report relates.

(2) The funding impact statement must be in the prescribed form and must—

(a) identify—

(i) the amount of funds produced from each source of funding; and

(ii) how the funds were applied; and

(b) compare the information in paragraph (a) with information included in the annual plan in accordance with clause 20(2).

(3) The annual report must include the information in subclause (2) for the financial year before the year to which the report relates.

30A Rating base information

The annual report must state—

(a) the number of rating units within the district or region of the local authority at the end of the preceding financial year:

(b) the total capital value of rating units within the district or region of the local authority at the end of the preceding financial year:

(c) the total land value of rating units within the district or region of the local authority at the end of the preceding financial year.

Schedule 10 clause 30A: inserted, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

31 Reserve funds

An annual report must identify each reserve fund set aside by the local authority and, in relation to each fund, specify for the financial year—

(a) the purpose of the fund; and

(b) the activities to which the fund relates; and

(c) the amounts in the fund at the beginning and end of the financial year; and

(d) the total amount deposited in the fund; and

(e) the total amount withdrawn from the fund.

31A Insurance of assets

An annual report must state, as at the end of the financial year,—

(a) the total value of all assets of the local authority that are covered by insurance contracts, and the maximum amount to which they are insured; and

(b) the total value of all assets of the local authority that are covered by financial risk sharing arrangements, and the maximum amount available to the local authority under those arrangements; and

(c) the total value of all assets of the local authority that are self-insured, and the value of any fund maintained by the local authority for that purpose.

Schedule 10 clause 31A: inserted, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

32 Remuneration issues

(1) An annual report must include a report on the remuneration that, in the year to which the report relates, was received by, or payable to, each of the following persons:

(a) the mayor or chairperson of the local authority:

(b) each of the other members of the local authority:

(c) the chief executive of the local authority.

(2) The report under subclause (1) must show, in relation to each person specified in that subclause, that person's total remuneration for the year.

(3) To avoid doubt, subclause (2) applies to the total remuneration (including the value of any non-financial benefits) that, during the year, was paid to the person, or was payable to the person, by the local authority and any council organisation of the local authority.

32A Employee staffing levels and remuneration

(1) An annual report must include a report on the number of employees who were employed by the local authority—

(a) on the last day of the financial year to which the report relates; and

(b) on the last day of the immediately preceding financial year.

(2) For each financial year, the report must state, as at the last day of that year,—

(a) the number of full-time employees; and

(b) the full-time equivalent number of all other employees; and

(c) the number of employees receiving total annual remuneration of less than $60,000; and

(d) the number of employees receiving total annual remuneration of $60,000 or more, expressed in bands of $20,000.

(3) However, if the number of employees in any band to which subclause (2)(d) applies is 5 or fewer, the number for that band must be combined with the next-highest band and the statement in the report in relation to that subclause must be adjusted accordingly.

(4) In subclause (2), **total annual remuneration** includes the value of any non-financial benefit that, during the year, was paid to an employee, or was payable to an employee, by the local authority.

(5) The report requirement in this clause applies to—

(a) the financial year ending 30 June 2013; and

(b) each following financial year.

Schedule 10 clause 32A: inserted, on 5 December 2012, by section 39(4) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

33 Severance payments

(1) An annual report must state—

(a) the amount of any severance payments made in the year to any person who vacated office as the chief executive of the local authority; and

(b) the number of employees of the local authority to whom, in the year, severance payments were made; and

(c) the amount of every such severance payment.

(2) In this clause, **severance payment** means any consideration that a local authority has agreed to provide to an employee in respect of that employee's agreement to the termination of his or her employment, being consideration,

whether of a monetary nature or otherwise, additional to any entitlement of that employee to—

(a) any final payment of salary; or

(b) any holiday pay; or

(c) any superannuation contributions.

Schedule 10 clause 33(2): amended, on 31 August 2023, by section 50 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

34 Statement of compliance

(1) An annual report must include a statement that all statutory requirements in relation to the annual report have been complied with.

(2) The statement must be signed—

(a) by the mayor or chairperson of the local authority; and

(b) by the chief executive of the local authority.

34A Additional information to be included in annual report of unitary authority with local boards

(1) In the case of a unitary authority for a district that includes 1 or more local board areas, an annual report must also include, in respect of local activities for each local board area, an audited statement that—

(a) compares the level of service achieved in relation to the activities with the performance target or targets for the activities (as stated in the local board agreement for that year); and

(b) specifies whether any intended changes to the level of service have been achieved; and

(c) gives the reasons for any significant variation between the level of service achieved and the intended level of service.

(2) Each local board must comment on the matters included in the annual report under subclause (1) in respect of its local board area, and the unitary authority must include those comments in the annual report.

(3) In this clause, **local activities** or **activities** means the non-regulatory activities of the unitary authority in respect of which a local board is allocated decision-making responsibility under section 48L or under section 17 of the Local Government (Auckland Council) Act 2009.

Schedule 10 clause 34A: inserted, on 8 August 2014, by section 72 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

34B Additional information: RFT schemes

[Repealed]

Schedule 10 clause 34B: repealed, on 1 July 2024, by section 13 of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

35 General

An annual report must include a report on the activities that the local authority has undertaken in the year to establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority.

Part 4
Information to be included in pre-election report

36 Pre-election report

(1) A pre-election report must include,—

(a) for the 3 financial years immediately preceding the date of the election,—

(i) the funding impact statement referred to in clause 30; and

(ii) a summary balance sheet based on the financial statements referred to in clause 29(1)(a) that discloses public debt and financial assets separately; and

(iii) a statement that compares—

(A) rates, rate increases, and borrowing with the quantified limits specified in the financial strategy; and

(B) returns on investments with the quantified targets for returns on those investments specified in the financial strategy; and

(b) for the 3 financial years immediately following the date of the election,—

(i) the information included in the funding impact statement in accordance with clause 15(2)(b) and (c); and

(ii) a summary balance sheet based on the forecast financial statements referred to in clause 12(1) that discloses public debt and financial assets separately; and

(c) the major projects planned for the 3 financial years immediately following the date of the election.

(2) Despite subclause (1)(a), the information to be included in the pre-election report for the financial year ending in the same year as the election in accordance with that subclause may—

(a) be based on estimated information; and

(b) need not be audited.

37 Substituted information for small local authorities

(1) This clause applies to the pre-election report of a local authority that has an ordinarily resident population of fewer than 20,000 people.

(2) For the financial year ending in the same year as the election, the pre-election report must include—

(a) the funding impact statement prepared under clause 20(2); and

(b) a summary balance sheet based on the forecast financial statements referred to in clause 18 that discloses public debt and financial assets separately; and

(c) a statement that compares—

(i) rates, rate increases, and borrowing with the quantified limits specified in the financial strategy; and

(ii) returns on investments with the quantified targets for returns on those investments specified in the financial strategy.

(3) The pre-election report must comply with this clause only if it does not comply with clause 36(1)(a) and (2).

Schedule 11
Matters relating to rates relief on Māori freehold land

ss 5(2), 108(4), 109(2), 110(2)

1 The matters that the local authority must consider under section 108(4) are—

(a) the desirability and importance within the district of each of the objectives in clause 2; and

(b) whether, and to what extent, the attainment of any of those objectives could be prejudicially affected if there is no remission of rates or postponement of the requirement to pay rates on Māori freehold land; and

(c) whether, and to what extent, the attainment of those objectives is likely to be facilitated by the remission of rates or postponement of the requirement to pay rates on Māori freehold land; and

(d) the extent to which different criteria and conditions for rates relief may contribute to different objectives.

2 The objectives referred to in clause 1 are—

(a) supporting the use of the land by the owners for traditional purposes:

(b) recognising and supporting the relationship of Māori and their culture and traditions with their ancestral lands:

(c) avoiding further alienation of Māori freehold land:

(d) facilitating any wish of the owners to develop the land for economic use:

(e) recognising and taking account of the presence of waahi tapu that may affect the use of the land for other purposes:

(f) recognising and taking account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere):

(g) recognising and taking account of the importance of the land for community goals relating to—

(i) the preservation of the natural character of the coastal environment:

(ii) the protection of outstanding natural features:

(iii) the protection of significant indigenous vegetation and significant habitats of indigenous fauna:

(h) recognising the level of community services provided to the land and its occupiers:

(i) recognising matters related to the physical accessibility of the land.

Schedule 12
Conditions of constructing or undertaking works on private land without the owner's consent

s 181(3)(b)

1 For the purposes of section 181(3)(b), the requirements are as follows:

(a) a description of the works, accompanied by a plan (in the case of any works to be constructed), showing how they affect any land or building, must be deposited for public inspection at a place within the district in which the works are to be undertaken:

(b) the territorial authority must give notice in writing of the intention to construct the works (referring to a plan and description of the works and where the plan and description can be viewed)—

(i) to the occupier of the land or building unless there is no occupier or, after all reasonable steps have been taken, the occupier cannot be found; and

(ii) to the owner if known:

(c) however, if there is a change of occupier, it is not necessary to give notice to any subsequent occupier before the work is done:

(d) if, within 1 month after the notice is given, the occupier or owner serves on the territorial authority a written objection to the proposed works, the territorial authority must—

(i) appoint a day for hearing the objection; and

(ii) give to the objector reasonable notice of the day, time, and place of hearing so as to enable the objector to attend the hearing:

(e) the territorial authority must hold a meeting on the day appointed, and may, after hearing any person making any objection, if present, determine—

(i) to abandon the works proposed; or

(ii) to proceed with the works proposed, with or without any alterations that the territorial authority thinks fit.

2 A person who is aggrieved by a determination of the territorial authority under clause 1(e) to proceed with the works proposed (with or without alterations) may appeal to the District Court against the determination within 14 days after the date of the determination.

Schedule 12 clause 2: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

3 Pending the decision of the court on the appeal, the territorial authority must not proceed with the works.

4 On the hearing of the appeal, the court, whose decision is final, may confirm or amend or set aside the determination of the territorial authority.

Schedule 13
Methodology for calculating development contributions

s 197

1 Methodology for relating cost of community facilities to units of demand

(1) In order to calculate the maximum development contribution in respect of a community facility or an activity or group of activities for which a separate development contribution is to be required, a territorial authority must first—

(a) identify the total cost of the capital expenditure that the local authority expects to incur in respect of the community facility, or activity or group of activities, to meet increased demand resulting from growth within the district, or part of the district, as the case may be; and

(b) identify the share of that expenditure attributable to each unit of demand, using the units of demand for the community facility or for separate activities or groups of activities, as the case may be, by which the impact of growth has been assessed.

(2) A territorial authority may identify capital expenditure for the purposes of calculating development contributions in respect of assets or groups of assets that will be built after the period covered by the long-term plan and that are identified in the development contributions policy.

(3) The total cost of capital identified in subclause (1) may in part relate to assets intended to be delivered beyond the period covered by a territorial authority's long-term plan if—

(a) the assets concerned are identified in the development contributions policy; and

(b) the total cost of capital expenditure does not exceed that which relates to the period over which development has been assessed for the purpose of setting development contributions.

Schedule 13 clause 1(1)(a): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Schedule 13 clause 1(2): inserted, on 8 August 2014, by section 73 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Schedule 13 clause 1(3): inserted, on 8 August 2014, by section 73 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

2 Attribution of units of demand to developments

For the purpose of determining in accordance with section 203(2) the maximum development contribution that may be required for a particular development or type of development, a territorial authority must demonstrate in its methodology that it has attributed units of demand to particular developments or types of development on a consistent and equitable basis.

Schedule 13A
Procedure relating to development contribution objections

ss 199E, 199I

Schedule 13A: inserted (with effect on 1 July 2014), on 7 August 2014, by section 74 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Part 1
General provisions

1 Lodgement of objection

(1) A person exercises the right under section 199C to lodge a development contribution objection by serving notice of the objection on the territorial authority within 15 working days after the date on which the person received notice from the territorial authority of the level of development contribution that the territorial authority requires.

(2) However, if a person has received notice of the outcome of a reconsideration under section 199B, the 15-working-day period in subclause (1) begins on the day after the date on which the person receives the notice of the outcome.

(3) The notice of objection under subclause (1) must—

(a) be in writing; and

(b) set out the grounds and reasons for the objection; and

(c) state the relief sought; and

(d) state whether the objector wishes to be heard on the objection.

(4) A territorial authority may, in its discretion, allow an objection to be served on it after the 15-working-day period specified in subclause (1) or (2), as the case may be, if satisfied that exceptional circumstances exist.

2 Withdrawal of objection

(1) A person who has served notice of an objection in accordance with clause 1 may, at any time, withdraw the objection by serving notice of the withdrawal on the territorial authority and any development contributions commissioner appointed to decide the objection.

(2) The withdrawal of an objection under subclause (1) does not affect the right of the territorial authority to recover any actual and reasonable costs in respect of the objection under section 150A.

(3) The withdrawal of an objection under subclause (1) does not affect the right of the person to lodge another objection, whether on the same or different grounds, under clause 1 within the periods specified in that clause.

3 Selection of development contributions commissioners

(1) A territorial authority that has received an objection under clause 1 must, as soon as practicable after receiving the objection, select not more than 3 development contributions commissioners to decide the objection.

(2) The development contributions commissioners must—

(a) be selected from persons named in a register of commissioners appointed by the Minister under section 199F or be selected in accordance with section 199H(2); and

(b) not be elected members or employees of the territorial authority whose development contribution requirement is the subject of the objection; and

(c) not be board members, shareholders, owners, employees, or contractors of the objector; and

(d) in the opinion of the territorial authority, individually or collectively have the skills, knowledge, and experience necessary to—

(i) conduct a fair and appropriate hearing; and

(ii) understand and determine the principal matters in contention.

(3) If the territorial authority proposes to select more than 1 commissioner, it must appoint one of them as the chairperson.

4 Development contributions commissioners to set date for exchange of evidence

(1) Development contributions commissioners who have been selected to decide an objection must give the parties notice of the date by which briefs of evidence relating to the objection must be exchanged.

(2) The briefs of evidence, and any additional or amended evidence, must be exchanged not later than 10 working days before—

(a) the commencement of a hearing under clause 6; or

(b) if there is no hearing, a date fixed by the commissioners.

(3) Copies of the statements of evidence referred to in a brief of evidence must be provided to—

(a) each development contributions commissioner appointed to decide the objection; and

(b) the territorial authority; and

(c) the objector.

5 Obligation to hold hearing

A hearing on an objection need not be held if—

(a) the objector has—

(i) indicated that the objector does not wish to be heard; or

(ii) otherwise agreed that no hearing is required; or

(b) the development contributions commissioners who will hear and decide the objection are satisfied, having regard to the nature of the objection and the evidence already provided, that they are able to determine the objection without a hearing.

6 Hearing date and notice

(1) If a hearing on an objection is to be held, the development contributions commissioners must fix the date, time, and place of the hearing.

(2) Notice of a hearing must be served on the territorial authority and the objector at least 10 working days before the date on which the hearing commences.

7 Replies to briefs of evidence where no hearing is held

(1) Where no hearing is to be held, a development contributions commissioner may direct that the territorial authority and the objector provide written replies to each other's evidence and provide copies of those replies to the commissioners.

(2) A direction made under subclause (1) must specify the period within which the written replies must be served on—

(a) the development contributions commissioners; and

(b) the territorial authority; and

(c) the objector.

8 Development contribution objection hearings

(1) If a hearing is required, it must be held on the date and at the time and place specified in the notice given under clause 6.

(2) The development contributions commissioners must establish a procedure that is appropriate and fair in the circumstances and that—

(a) avoids unnecessary formality; and

(b) recognises tikanga Māori where appropriate.

(3) A hearing under this clause need not be held in public.

9 Decisions on objections

(1) Development contributions commissioners must give a decision on an objection in writing, whether or not a hearing is held.

(2) A decision on an objection must—

(a) uphold all or part of the objection; or

(b) dismiss all or part of the objection.

(3) A decision may quash, or direct that amendments be made to, the requirement for a development contribution.

(4) A decision must be given in writing and state—

(a) the reasons for the decision; and

(b) a summary of the issues that were in contention; and

(c) the relevant provisions of the development contributions policy of the territorial authority that required the development contribution; and

(d) a summary of the evidence presented.

(5) In their decision on an objection, the development contributions commissioners must not direct the amendment of a development contributions policy, but may make observations on the policy.

10 Service of development contribution objection decision

(1) Written copies of the development contributions commissioners' decision under clause 9 must be served on—

(a) the objector; and

(b) the territorial authority that required the development contribution; and

(c) the Secretary.

(2) Service of the decision must be given within 15 working days after—

(a) the end of the hearing; or

(b) if no hearing is held, the last day of the commissioners' consideration of the evidence.

Part 2
Provisions supplementing section 199I

11 Development contributions commissioners' powers

(1) The commissioners conducting a hearing on an objection have the same powers that the District Court, in the exercise of its civil jurisdiction, has to conduct and maintain order.

(2) Sections 29 to 31 of the Inquiries Act 2013 apply to the hearing of an objection as if the hearing was an inquiry within the meaning of section 4 of that Act.

Schedule 13A clause 11(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

12 Power to summon witness

(1) A written summons may be issued requiring any person to attend at the time and place specified in the summons and to give evidence, and to produce any papers, documents, records, or things in that person's possession or under that person's control that are relevant to the subject of the hearing.

(2) A summons may be issued by a development contributions commissioner on his or her own initiative or on application.

(3) The commissioner who issues the summons must be—

(a) the chairperson; or

(b) any commissioner authorised by the chairperson; or

(c) if there is no chairperson, any commissioner participating in the hearing or consideration of the objection.

(4) A commissioner who may issue a summons may do any other act preliminary or incidental to the hearing or consideration of the objection.

13 Service of summons

(1) A summons to a witness may be served—

(a) by delivering it to the person summoned; or

(b) by posting it by registered letter addressed to the person summoned at that person's usual place of abode.

(2) The summons must,—

(a) if served under subclause (1)(a), be served at least 24 hours before the attendance of the witness is required:

(b) if served under subclause (1)(b), be served at least 10 days before the date on which the attendance of the witness is required.

(3) If the summons is posted by registered letter, it must be treated for the purposes of subclause (2)(b) to have been served at the time when the letter would be delivered in the ordinary course of post.

14 Service of notices

(1) Where a notice or other document is to be served on a person for the purpose of section 199I or this schedule, it may be given—

(a) by delivering it personally to the person; or

(b) by delivering it at the usual or last known place of residence or business of that person, including by fax or by electronic mail; or

(c) by sending it by prepaid post addressed to the person at the usual or last known place of residence or business of the person.

(2) Where a notice or document is to be served on a corporation for the purposes of section 199I or this schedule, service on an officer of the corporation, or on the registered office of the corporation, in accordance with subclause (1) is deemed to be service on the corporation.

(3) Where a notice or document is to be served on a partnership for the purposes of section 199I or this schedule, service on any one of the partners in accordance with subclause (1) or (2) is deemed to be service on the partnership.

(4) Where a notice or document is sent by post to a person in accordance with subclause (1)(c), the notice or document is deemed, in the absence of proof to the contrary, to have been given on the third day after the day on which it was posted.

15 Evidence

The development contributions commissioners may, for the purposes of a hearing,—

(a) receive any evidence that, in their opinion, may assist them to deal effectively with the development contribution objection, whether or not the evidence would be admissible in a court of law; and

(b) take evidence on oath or affirmation, and for that purpose an oath or affirmation may be administered by any commissioner; and

(c) permit a witness to give evidence by any means, including by written or electronic means, and require the witness to verify the evidence by oath or affirmation.

16 Other immunities and privileges of participants

(1) Witnesses and other persons participating in a hearing (other than counsel) have the same immunities and privileges as if they were appearing in civil proceedings and the provisions of subpart 8 of Part 2 of the Evidence Act 2006 apply to the inquiry, to the extent that they are relevant, as if—

(a) the hearing were a civil proceeding; and

(b) every reference to a Judge were a reference to a commissioner.

(2) Counsel appearing at a hearing have the same immunities and privileges as they would have if appearing before a court.

Schedule 14
Procedure for making removal orders

ss 213, 215

1 Scope of removal order

If the District Court makes a removal order under section 216, it may—

(a) order that the fence, structure, or vegetation be removed or altered, or that part of the fence, structure, or vegetation be removed and that part of it be altered:

(b) order that any thing attached to the fence, structure, or vegetation be removed as a consequence of the removal or alteration ordered under paragraph (a):

(c) make any consequential order that the court thinks fit:

(d) without limiting paragraph (c) and subject to any conditions that the court thinks fit, order that entry may be made on to any portion of land adjoining the property to which the order relates for the purposes of enforcing an order in accordance with section 220(2).

Compare: 1974 No 66 s 692ZD(3)

2 Service of removal order

If a removal order is made under section 216, the Judge may, on application or on his or her own motion, give directions—

(a) as to the manner in which the order must be served on any person on whom the order must be served under clause 3(a); and

(b) that the order must be served on any person not referred to in clause 3(a)(i) to (iv) who is likely to be affected by the outcome of the proceedings; and

(c) as to any other matter relating to service of the order on any person.

Compare: 1974 No 66 s 692ZD(4)

3 Basis for removal order taking effect

A removal order does not take effect unless—

(a) a copy of the order is served in accordance with subpart 4 of Part 20 of the District Court Rules 2014 or in accordance with any directions given under clause 2 on—

(i) the respondent; and

(ii) if the respondent is not the owner of the property to which the order relates, the owner of the property; and

(iii) any mortgagee of the property to which the order relates; and

(iv) the owner of any property adjoining the property to which the order relates; and

(v) any person directed by the court to be served under clause 2; and

(b) either—

(i) no objection is made in accordance with section 217(1) by the respondent or by any other person entitled to object to the order under that section; or

(ii) if an objection is made, the court, after considering the objection, confirms the order under section 218(1) with or without variation.

Compare: 1974 No 66 s 692ZD(5)

Schedule 14 clause 3(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

4 Circumstances when certain other Acts do not apply

A removal order may be made under section 216 even if the fence, structure, or vegetation has been constructed or is otherwise in accordance with—

(a) a resource consent granted under the Resource Management Act 1991; or

(b) a building consent granted under the Building Act 2004.

Compare: 1974 No 66 s 692ZD(7)

Schedule 14 clause 4: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

5 Evidence of conviction

(1) For the purposes of proceedings under subpart 4 of Part 9, proof that a respondent or any other person has been convicted of an offence by any court in New Zealand is conclusive evidence that that person committed the offence, and the conviction is admissible in evidence.

(2) A certificate produced as evidence of the fact that a particular person has been convicted of an offence is sufficient evidence, unless the contrary is proved, without proof of the signature or official character of the person appearing to have signed it, if—

(a) it contains the substance of a conviction; and

(b) it purports to be signed by the Registrar or other officer having the custody of the records of the court in which the offender was convicted; and

(c) the name of the offender stated in the certificate is the name of the person in respect of whom the applicant seeks to prove the conviction.

(3) The method of proving a previous conviction authorised by subclause (2) is in addition to, and not to the exclusion of, any other method of proof authorised by another enactment or rule of law.

Compare: 1974 No 66 s 692ZE

6 Form of removal order

(1) Subject to subclause (2), a removal order must be in the form prescribed in subpart 4 of Part 20 of the District Court Rules 2014.

(2) If an objection is lodged under section 217(1) and the removal order is subsequently confirmed with or without variation, the Registrar must, without delay, issue a copy of the confirmed order with the date specified by the court in accordance with clause 8(2) as the date by which compliance is required.

Compare: 1974 No 66 s 692ZF

Schedule 14 clause 6(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

7 Notice of objection to removal order

(1) A notice of objection under section 217(1) must—

(a) be in the form prescribed in subpart 4 of Part 20 of the District Court Rules 2014; and

(b) be lodged with the court and served on the applicant and, if the objector is not the respondent, the respondent, within 15 working days from the date on which the removal order was served on the objector, or within any further time that the court allows.

(2) Subject to subclause (4), the Registrar must assign a date for an oral hearing of any objection as soon as practicable if the respondent or, if the respondent is not the owner of the property to which the order relates, the owner of the property—

(a) objects to the making of the order; and

(b) notifies the court that he or she wishes to be heard in person or to be represented by his or her lawyer.

(3) If a person described in clause 3(a)(iii), (iv), or (v) objects to the making of the order and notifies the court that he or she wishes to be heard in person or to be represented by his or her lawyer, the court may,—

(a) if the court is satisfied that there should be an oral hearing, assign a date for the hearing of the objection, which date, subject to subclause (4), must be as soon as practicable; or

(b) if the court thinks fit, decide the objection without holding an oral hearing.

(4) If an oral hearing is to be held in accordance with subclause (2), or if the court decides under subclause (3) that there should be an oral hearing, the court may assign a date for the objections to be heard together.

Compare: 1974 No 66 s 692ZG(2)–(5)

Schedule 14 clause 7(1)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

8 Consideration of objections by court

(1) Before the court exercises its power under section 218(1), the court must, as it thinks fit, give an opportunity to be heard, either orally or in writing, to—

(a) the applicant; and

(b) any other person entitled to object under section 217(1).

(2) If the court confirms or varies an order under section 218(1), the court must specify the date by which the respondent must comply with the order.

Compare: 1974 No 66 s 692ZI(2), (3)

Schedule 15
Powers of Minister

[Repealed]

ss 254, 258

Schedule 15: repealed, on 5 December 2012, by section 40 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Schedule 16
Consequential amendments

s 262

Administration Act 1969 (1969 No 52)
Amendment(s) incorporated in the Act(s).

Airport Authorities Act 1966 (1966 No 51)
Amendment(s) incorporated in the Act(s).

Animal Welfare Act 1999 (1992 No 142)
Amendment(s) incorporated in the Act(s).

Arts Council of New Zealand Toi Aotearoa Act 1994 (1994 No 19)
Amendment(s) incorporated in the Act(s).

Auckland Airport Act 1987 (1987 No 195)
Amendment(s) incorporated in the Act(s).

Auctioneers Act 1928 (1928 No 29)
Amendment(s) incorporated in the Act(s).

Biosecurity Act 1993 (1993 No 95)
Amendment(s) incorporated in the Act(s).

Building Act 1991 (1991 No 150)
Amendment(s) incorporated in the Act(s).

Building Research Levy Act 1969 (1969 No 23)
Amendment(s) incorporated in the Act(s).

Burial and Cremation Act 1964 (1964 No 75)
Amendment(s) incorporated in the Act(s).

Bylaws Act 1910 (1910 No 28)
Amendment(s) incorporated in the Act(s).

Canterbury Museum Trust Board Act 1993 (1993 No 4 (L))
Amendment(s) incorporated in the Act(s).

Carter Observatory Act 1938 (1938 No 9)
Amendment(s) incorporated in the Act(s).

Chatham Islands Council Act 1995 (1995 No 41)

Amendment(s) incorporated in the Act(s).

Children, Young Persons, and Their Families Act 1989 (1989 No 24)

Amendment(s) incorporated in the Act(s).

Civil Defence Emergency Management Act 2002 (2002 No 33)

Amendment(s) incorporated in the Act(s).

Climate Change Response Act 2002 (2002 No 40)

Amendment(s) incorporated in the Act(s).

Conservation Act 1987 (1987 No 65)

Amendment(s) incorporated in the Act(s).

Credit Contracts Act 1981 (1981 No 27)

Amendment(s) incorporated in the Act(s).

Dairy Industry Act 1952 (1952 No 55)

Amendment(s) incorporated in the Act(s).

Disabled Persons Community Welfare Act 1975 (1975 No 122)

Amendment(s) incorporated in the Act(s).

Dog Control Act 1996 (1996 No 13)

Amendment(s) incorporated in the Act(s).

Education Act 1989 (1989 No 80)

Amendment(s) incorporated in the Act(s).

Electricity Act 1992 (1992 No 122)

Amendment(s) incorporated in the Act(s).

Ellesmere Lands Drainage Act 1905 (1905 No 59)

Amendment(s) incorporated in the Act(s).

Energy Companies Act 1992 (1992 No 56)

Amendment(s) incorporated in the Act(s).

Environment Act 1986 (1986 No 127)

Amendment(s) incorporated in the Act(s).

Estate and Gift Duties Act 1968 (1968 No 35)

Amendment(s) incorporated in the Act(s).

Fees and Travelling Allowances Act 1951 (1951 No 79)
Amendment(s) incorporated in the Act(s).

Fencing Act 1978 (1978 No 50)
Amendment(s) incorporated in the Act(s).

Fencing of Swimming Pools Act 1987 (1987 No 178)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1941 (1941 No 27)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1945 (1945 No 45)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1947 (1947 No 45)
Amendment(s) incorporated in the Act(s).

Finance Act (No 2) 1948 (1948 No 78)
Amendment(s) incorporated in the Act(s).

Finance Act 1969 (1969 No 132)
Amendment(s) incorporated in the Act(s).

Finance Act 1977 (1977 No 75)
Amendment(s) incorporated in the Act(s).

Finance Act 1978 (1978 No 56)
Amendment(s) incorporated in the Act(s).

Financial Reporting Act 1993 (1993 No 106)
Amendment(s) incorporated in the Act(s).

Fire Service Act 1975 (1975 No 42)
Amendment(s) incorporated in the Act(s).

Food Act 1981 (1981 No 45)
Amendment(s) incorporated in the Act(s).

Forest and Rural Fires Act 1977 (1977 No 52)
Amendment(s) incorporated in the Act(s).

Forestry Encouragement Act 1962 (1962 No 20)
Amendment(s) incorporated in the Act(s).

Gaming and Lotteries Act 1977 (1977 No 84)
Amendment(s) incorporated in the Act(s).

Gas Act 1992 (1992 No 124)
Amendment(s) incorporated in the Act(s).

Geographical Indications Act 1994 (1994 No 125)
Amendment(s) incorporated in the Act(s).

Goods and Services Tax Act 1985 (1985 No 141)
Amendment(s) incorporated in the Act(s).

Greytown District Trust Lands Act 1979 (1979 No 4 (L))
Amendment(s) incorporated in the Act(s).

Harbour Boards Dry Land Endowment Revesting Act 1991 (1991 No 104)
Amendment(s) incorporated in the Act(s).

Hauraki Gulf Marine Park Act 2000 (2000 No 1)
Amendment(s) incorporated in the Act(s).

Hawke's Bay Endowment Land Empowering Act 2002 (2002 No 1 (L))
Amendment(s) incorporated in the Act(s).

Hazardous Substances and New Organisms Act 1996 (1996 No 30)
Amendment(s) incorporated in the Act(s).

Health Act 1956 (1956 No 65)
Amendment(s) incorporated in the Act(s).

Health Research Council Act 1990 (1990 No 68)
Amendment(s) incorporated in the Act(s).

Historic Places Act 1993 (1993 No 38)
Amendment(s) incorporated in the Act(s).

Housing Act 1955 (1955 No 51)
Amendment(s) incorporated in the Act(s).

Housing Assets Transfer Act 1993 (1993 No 50)
Amendment(s) incorporated in the Act(s).

Housing Corporation Act 1974 (1974 No 19)
Amendment(s) incorporated in the Act(s).

Howard Estate Act 1978 (1978 No 74)
Amendment(s) incorporated in the Act(s).

Impounding Act 1955 (1955 No 108)
Amendment(s) incorporated in the Act(s).

Income Tax Act 1994 (1994 No 164)
Amendment(s) incorporated in the Act(s).

Insolvency Act 1967 (1967 No 54)
Amendment(s) incorporated in the Act(s).

Insurance Companies' Deposits Act 1953 (1953 No 50)
Amendment(s) incorporated in the Act(s).

Joint Family Homes Act 1964 (1964 No 45)
Amendment(s) incorporated in the Act(s).

Land Act 1948 (1948 No 64)
Amendment(s) incorporated in the Act(s).

Land Drainage Act 1908 (1908 No 96)
Amendment(s) incorporated in the Act(s).

Land Drainage Amendment Act 1920 (1920 No 56)
Amendment(s) incorporated in the Act(s).

Land Transfer Act 1952 (1952 No 52)
Amendment(s) incorporated in the Act(s).

Land Transfer Amendment Act 1963 (1963 No 61)
Amendment(s) incorporated in the Act(s).

Land Transport Act 1998 (1998 No 110)
Amendment(s) incorporated in the Act(s).

Life Insurance Act 1908 (1908 No 105)
Amendment(s) incorporated in the Act(s).

Litter Act 1979 (1979 No 41)
Amendment(s) incorporated in the Act(s).

Local Authorities (Members' Interests) Act 1968 (1968 No 147)
Amendment(s) incorporated in the Act(s).

Local Electoral Act 2001 (2001 No 35)
Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66)
Amendment(s) incorporated in the Act(s).

Local Government Official Information and Meetings Act 1987 (1987 No 174)
Amendment(s) incorporated in the Act(s).

Local Government (Rating) Act 2002 (2002 No 6)
Amendment(s) incorporated in the Act(s).

Machinery Act 1950 (1950 No 52)
Amendment(s) incorporated in the Act(s).

Marine Farming Act 1971 (1971 No 29)
Amendment(s) incorporated in the Act(s).

Marine Mammals Protection Act 1978 (1978 No 80)
Amendment(s) incorporated in the Act(s).

Marine Reserves Act 1971 (1971 No 15)
Amendment(s) incorporated in the Act(s).

Maritime Transport Act 1994 (1994 No 104)
Amendment(s) incorporated in the Act(s).

Masterton Trust Lands Act 1966 (1966 No 27 (L))
Amendment(s) incorporated in the Act(s).

Mining Tenures Registration Act 1962 (1962 No 48)
Amendment(s) incorporated in the Act(s).

Municipal Insurance Act 1960 (1960 No 29)
Amendment(s) incorporated in the Act(s).

Museum of New Zealand Te Papa Tongarewa Act 1992 (1992 No 19)
Amendment(s) incorporated in the Act(s).

Mutual Insurance Act 1955 (1955 No 23)
Amendment(s) incorporated in the Act(s).

Napier Borough Endowments Act 1876 (1876 No 79)
Amendment(s) incorporated in the Act(s).

National Parks Act 1980 (1980 No 66)

Amendment(s) incorporated in the Act(s).

National Provident Fund Restructuring Act 1990 (1990 No 126)

Amendment(s) incorporated in the Act(s).

New Zealand Film Commission Act 1978 (1978 No 61)

Amendment(s) incorporated in the Act(s).

New Zealand Geographic Board Act 1946 (1946 No 3)

Amendment(s) incorporated in the Act(s).

New Zealand Maori Arts and Crafts Institute Act 1963 (1963 No 51)

Amendment(s) incorporated in the Act(s).

New Zealand Public Health and Disability Act 2000 (2000 No 91)

Amendment(s) incorporated in the Act(s).

New Zealand Railways Corporation Act 1981 (1981 No 119)

Amendment(s) incorporated in the Act(s).

New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105)

Amendment(s) incorporated in the Act(s).

New Zealand Walkways Act 1990 (1990 No 32)

Amendment(s) incorporated in the Act(s).

Ngarimu VC and 28th (Maori) Battalion Memorial Scholarship Fund Act 1945 (1945 No 33)

Amendment(s) incorporated in the Act(s).

Oaths and Declarations Act 1957 (1957 No 88)

Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9)

Amendment(s) incorporated in the Act(s).

Otago Museum Trust Board Act 1996 (1996 No 1 (L))

Amendment(s) incorporated in the Act(s).

Pacific Islands Polynesian Education Foundation Act 1972 (1972 No 138)

Amendment(s) incorporated in the Act(s).

Patriotic and Canteen Funds Act 1947 (1947 No 63)

Amendment(s) incorporated in the Act(s).

Pawnbrokers Act 1908 (1908 No 141)

Amendment(s) incorporated in the Act(s).

Personal Property Securities Act 1999 (1999 No 126)

Amendment(s) incorporated in the Act(s).

Petroleum Demand Restraint Act 1981 (1981 No 12)

Amendment(s) incorporated in the Act(s).

Plumbers, Gasfitters, and Drainlayers Act 1976 (1976 No 69)

Amendment(s) incorporated in the Act(s).

Port Companies Act 1988 (1988 No 91)

Amendment(s) incorporated in the Act(s).

Privacy Act 1993 (1993 No 28)

Amendment(s) incorporated in the Act(s).

Property Law Act 1952 (1952 No 51)

Amendment(s) incorporated in the Act(s).

Protected Disclosures Act 2000 (2000 No 7)

Amendment(s) incorporated in the Act(s).

Public Audit Act 2001 (2001 No 10)

Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Act 1959 (1959 No 98)

Amendment(s) incorporated in the Act(s).

Public Bodies Leases Act 1969 (1969 No 141)

Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44)

Amendment(s) incorporated in the Act(s).

Public Trust Act 2001 (2001 No 100)

Amendment(s) incorporated in the Act(s).

Public Works Act 1928 (1928 No 21)

Amendment(s) incorporated in the Act(s).

Public Works Act 1981 (1981 No 35)
Amendment(s) incorporated in the Act(s).

Queen Elizabeth the Second National Trust Act 1977 (1977 No 102)
Amendment(s) incorporated in the Act(s).

Rates Rebate Act 1973 (1973 No 5)
Amendment(s) incorporated in the Act(s).

Rating Valuations Act 1998 (1998 No 69)
Amendment(s) incorporated in the Act(s).

Receiverships Act 1993 (1993 No 122)
Amendment(s) incorporated in the Act(s).

Reserves Act 1977 (1977 No 66)
Amendment(s) incorporated in the Act(s).

Resource Management Act 1991 (1991 No 69)
Amendment(s) incorporated in the Act(s).

River Boards Act 1908 (1908 No 165)
Amendment(s) incorporated in the Act(s).

River Boards Amendment Act 1910 (1910 No 23)
Amendment(s) incorporated in the Act(s).

Sale of Liquor Act 1989 (1989 No 63)
Amendment(s) incorporated in the Act(s).

Securities Act 1978 (1978 No 103)
Amendment(s) incorporated in the Act(s).

Securities Transfer Act 1991 (1991 No 119)
Amendment(s) incorporated in the Act(s).

Smoke-free Environments Act 1990 (1990 No 108)
Amendment(s) incorporated in the Act(s).

Soil Conservation and Rivers Control Act 1941 (1941 No 12)
Amendment(s) incorporated in the Act(s).

Sports, Fitness, and Leisure Act 1987 (1987 No 13)
Amendment(s) incorporated in the Act(s).

State-Owned Enterprises Act 1986 (1986 No 124)
Amendment(s) incorporated in the Act(s).

Statistics Act 1975 (1975 No 1)
Amendment(s) incorporated in the Act(s).

Taupiri Drainage and River District Act 1929 (1929 No 23)
Amendment(s) incorporated in the Act(s).

Te Ture Whenua Maori Act 1993 (1993 No 4)
Amendment(s) incorporated in the Act(s).

Telecommunications Act 2001 (2001 No 103)
Amendment(s) incorporated in the Act(s).

Transit New Zealand Act 1989 (1989 No 75)
Amendment(s) incorporated in the Act(s).

Transport Act 1962 (1962 No 135)
Amendment(s) incorporated in the Act(s).

Transport Services Licensing Act 1989 (1989 No 74)
Amendment(s) incorporated in the Act(s).

Unit Titles Act 1972 (1972 No 15)
Amendment(s) incorporated in the Act(s).

Unit Titles Amendment Act 1979 (1979 No 37)
Amendment(s) incorporated in the Act(s).

Wages Protection Act 1983 (1983 No 143)
Amendment(s) incorporated in the Act(s).

Wellington Airport Act 1990 (1990 No 56)
Amendment(s) incorporated in the Act(s).

Wild Animal Control Act 1977 (1977 No 111)
Amendment(s) incorporated in the Act(s).

Wildlife Act 1953 (1953 No 31)
Amendment(s) incorporated in the Act(s).

Winston Churchill Memorial Trust Act 1965 (1965 No 39)
Amendment(s) incorporated in the Act(s).

Schedule 17
New Schedule of Receiverships Act 1993

s 265

Schedule 1
Modifications and exceptions that apply in relation to receivers of assets of local authorities

s 40C(2)

Amendment(s) incorporated in the Act(s).

Schedule 18
Enactments repealed

s 266

Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94)
Amendment(s) incorporated in the Act(s).

Auckland Centennial Memorial Park Act 1941 (1941 No 7 (L))

Auckland City and Auckland Hospital Board Empowering Act 1922 (1922 No 10 (L))

Auckland City Council Empowering Act 1926 (1926 No 2 (L))

Auckland City Council (Old Victoria Street Depot Site) Empowering Act 1976 (1976 No 6 (L))

Auckland City Empowering Act 1913 (1913 No 5 (L))

Auckland City Empowering Act 1939 (1939 No 10 (L))

Auckland City Empowering (Community Centres) Act 1958 (1958 No 12 (L))

Auckland City Housing Act 1942 (1942 No 4 (L))

Auckland City Markets and Empowering Act 1915 (1915 No 4 (L))

Auckland Community Welfare Centre and Auckland City Empowering Act 1941 (1941 No 8 (L))

Auckland Harbour Board Act 1879 (1879 No 2 (L))

Auckland Harbour Board and Other Local Bodies Empowering Act 1931 (1931 No 7 (L))

Auckland Harbour Board and Waitemata County Council Empowering Act 1967 (1967 No 9 (L))

Auckland Harbour Board and Waitemata City Council (Te Atatu) Empowering Act 1983 (1983 No 9 (L))

Auckland Harbour Board Central Area Properties Redevelopment Act 1965 (1965 No 15 (L))

Auckland Harbour Board Empowering Act 1899 (1899 No 10 (L))

Auckland Harbour Board Empowering Act 1911 (1911 No 29 (L))

Auckland Harbour Board Empowering Act 1912 (1912 No 13 (L))

Auckland Harbour Board Empowering Act 1914 (1914 No 8 (L))

Auckland Harbour Board Empowering Act 1920 (1920 No 10 (L))

Auckland Harbour Board Empowering Act 1925 (1925 No 3 (L))

Auckland Harbour Board Loan and Empowering Act 1919 (1919 No 9 (L))

Auckland Harbour Board Loan And Empowering Act 1964 (1964 No 12 (L))

Auckland Harbour Board Loan And Empowering Act 1966 (1966 No 24 (L))

Auckland Harbour Board Loan And Empowering Act 1968 (1968 No 20 (L))

Auckland Municipal Abattoir Livestock Auctions Empowering Act 1979 (1979 No 10 (L))

Auckland (Symonds Street) Cemeteries Act 1908 (1908 No 12 (L))

Auckland Transport Board Act 1928 (1928 No 44)

Auckland Transport Board Amendment Act 1955 (1955 No 64)

Auckland Transport Board Amendment Act 1960 (1960 No 5 (L))

Auckland Transport Board Amendment Act 1963 (1963 No 1 (L))

Auckland Waterworks Extension Act 1904 (1904 No 4 (L))

Biosecurity Act 1993 (1993 No 95)
Amendment(s) incorporated in the Act(s).

Biosecurity Amendment Act 1997 (1997 No 89)
Amendment(s) incorporated in the Act(s).

Borough of Onehunga Water-Supply Act 1898 (1898 No 10 (L))

Building Act 1991 (1991 No 150)
Amendment(s) incorporated in the Act(s).

Chatham Islands Council Act 1995 (1995 No 41)
Amendment(s) incorporated in the Act(s).

City of Christchurch Drainage Debentures Act 1874 (1874 No 43)

City of Christchurch Loan Act 1871 (1871 No 71)

City of Dunedin Borrowing Act 1871 (1871 No 73)

City of Wellington Loans Consolidation Act 1876 (1876 No 53)

Companies Act 1955 Amendment Act 2001 (2001 No 17)

Amendment(s) incorporated in the Act(s).

Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16)

Amendment(s) incorporated in the Act(s).

Conservation Law Reform Act 1990 (1990 No 31)

Amendment(s) incorporated in the Act(s).

Counties Act Amendment Act 1888 (1888 No 11)

Counties Insurance Empowering Act 1941 (1941 No 6)

Amendment(s) incorporated in the Act(s).

Counties Insurance Empowering Amendment Act 1980 (1980 No 108)

Cromwell Waterworks Act 1874 (1874 No 42)

Decimal Currency Amendment Act 1965 (1965 No 124)

Amendment(s) incorporated in the Act(s).

District Courts Amendment Act 1998 (1998 No 76)

Amendment(s) incorporated in the Act(s).

Dog Control Act 1996 (1996 No 13)

Amendment(s) incorporated in the Act(s).

Dunedin Corporation Borrowing Powers Extension and Debentures Act 1875 (1875 No 58)

Dunedin Waterworks Act 1874 (1874 No 45)

Energy Companies Act 1992 (1992 No 56)

Amendment(s) incorporated in the Act(s).

Energy Companies Amendment Act 1992 (1992 No 123)

Amendment(s) incorporated in the Act(s).

Epuni Leases Surrender Act 1905 (1905 No 51)

Finance Act 1964 (1964 No 6)

Amendment(s) incorporated in the Act(s).

Financial Reporting Amendment Act 1996 (1996 No 86)
Amendment(s) incorporated in the Act(s).

Fire Service Amendment Act 1986 (1986 No 18)
Amendment(s) incorporated in the Act(s).

Forest and Rural Fires Amendment Act 1990 (1990 No 137)
Amendment(s) incorporated in the Act(s).

Grey Lynn Domain Vesting Act 1909 (1909 No 36 (L))

Health Amendment Act 1993 (1993 No 24)
Amendment(s) incorporated in the Act(s).

Health Sector (Transfers) Act 1993 (1993 No 23)
Amendment(s) incorporated in the Act(s).

Higher Salaries Commission Amendment Act 1989 (1989 No 35)
Amendment(s) incorporated in the Act(s).

Housing Corporation Amendment Act 2001 (2001 No 37)
Amendment(s) incorporated in the Act(s).

Hutt Road Act 1939 (1939 No 18)
Amendment(s) incorporated in the Act(s).

Impounding Amendment Act 1980 (1980 No 59)
Amendment(s) incorporated in the Act(s).

Income Tax Act 1994 (1994 No 164)
Amendment(s) incorporated in the Act(s).

Income Tax Amendment Act 1999 (1999 No 12)

Judicature Amendment Act 1991 (1991 No 60)
Amendment(s) incorporated in the Act(s).

Kawhia and Awakino Counties Act 1903 (1903 No 90)

Land Drainage Amendment Act 1908 (1908 No 249)

Land Drainage Amendment Act 1922 (1922 No 5)
Amendment(s) incorporated in the Act(s).

Land Transport Act 1998 (1998 No 110)
Amendment(s) incorporated in the Act(s).

Local Authorities Empowering Act 1915 (1915 No 10)

Local Elections and Polls Amendment Act 1934–35 (1934–35 No 43)

Local Government Act 1974 (1974 No 123)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1976 (1976 No 55)

Local Government Amendment Act (No 3) 1977 (1977 No 122)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1978 (1978 No 43)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1979 (1979 No 59)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1980 (1980 No 82)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1981 (1981 No 13)

Local Government Amendment Act (No 2) 1981 (1981 No 111)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1982 (1982 No 3)

Local Government Amendment Act (No 2) 1982 (1982 No 166)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1983 (1983 No 132)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1984 (1984 No 18)

Local Government Amendment Act 1985 (1985 No 60)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1986 (1986 No 21)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 3) 1986 (1986 No 50)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1987 (1987 No 149)

Local Government Amendment Act 1988 (1988 No 71)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 2) 1988 (1988 No 104)

Local Government Amendment Act (No 2) 1989 (1989 No 29)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 4) 1989 (1989 No 76)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1991 (1991 No 49)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1992 (1992 No 42)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 2) 1992 (1992 No 71)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1994 (1994 No 68)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1995 (1995 No 25)

Local Government Amendment Act (No 2) 1995 (1995 No 40)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 3) 1996 (1996 No 83)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 4) 1996 (1996 No 84)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 5) 1996 (1996 No 96)

Local Government Amendment Act (No 2) 1997 (1997 No 78)

Local Government Amendment Act (No 3) 1997 (1997 No 95)

Local Government Amendment Act 1998 (1998 No 89)

Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1999 (1999 No 11)

Local Government Amendment Act (No 2) 1999 (1999 No 24)

Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 4) 1999 (1999 No 108)

Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 5) 1999 (1999 No 125)

Amendment(s) incorporated in the Act(s).

Local Government (Elected Member Remuneration and Trading Enterprises) Amendment Act 2001 (2001 No 98)

Local Government Official Information and Meetings Act 1987 (1987 No 174)

Amendment(s) incorporated in the Act(s).

Local Government Official Information and Meetings Amendment Act 1989 (1989 No 39)

Local Government (Rating) Act 2002 (2002 No 6)

Amendment(s) incorporated in the Act(s).

Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27)

Amendment(s) incorporated in the Act(s).

Local Government (Reorganisation Proposals) Amendment Act 1992 (1992 No 74)

Local Government (Rodney District Council) Amendment Act 2000 (2000 No 10)

Local Government (Validation of Appointments) Act 2000 (2000 No 4)

Local Legislation Act 1927 (1927 No 58)

Amendment(s) incorporated in the Act(s).

Local Legislation Act 1930 (1930 No 39)

Amendment(s) incorporated in the Act(s).

Local Legislation Act 1968 (1968 No 131)

Amendment(s) incorporated in the Act(s).

Manawatu Gorge Road and Bridge Act 1919 (1919 No 10)

Manukau Harbour Control Act 1911 (1911 No 23 (L))

Maritime Transport Act 1994 (1994 No 104)

Amendment(s) incorporated in the Act(s).

Municipal Insurance Amendment Act 1981 (1981 No 80)

Amendment(s) incorporated in the Act(s).

Nelson City Loan Act 1871 (1871 No 72)

Nelson City Loan Act 1875 (1875 No 28)

Newmarket Borough Council Vesting and Empowering Act 1927 (1927 No 20 (L))

New Zealand Public Health and Disability Act 2000 (2000 No 91)

Amendment(s) incorporated in the Act(s).

New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105)

Amendment(s) incorporated in the Act(s).

North Shore Boroughs (Auckland) Water-Supply Act 1941 (1941 No 1)

Oamaru Gasworks Act 1875 (1875 No 30)

Oamaru Harbour Board Land Act 1874 (1874 No 37)

Oamaru King George's Park Reserve Vesting Act 1912 (1912 No 16 (L))

Oamaru Loans Consolidation Act 1893 (1893 No 2 (P))

Oamaru Reserves Act 1908 (1908 No 2 (L))

Oamaru Waterworks Act 1875 (1875 No 29)

Oamaru Waterworks Act 1875 Amendment Act 1879 (1879 No 31 (L))

Oamaru Waterworks Act 1875 Amendment Act 1880 (1880 No 8 (L))

Ohura County Act 1908 (1908 No 33 (L))

Onehunga Borough Council Enabling Act 1914 (1914 No 3 (L))

Onehunga Cemetery Act 1898 (1898 No 8 (L))

Otago Harbour Board Empowering Act 1903 Amendment Act 1905 (1905 No 1 (L))

Amendment(s) incorporated in the Act(s).

Otago Harbour Board Further Empowering Act 1882 (1882 No 24 (L))

Otago Harbour Board Vesting, Reclamation, and Empowering Act 1981 (1981 No 9 (L))

Amendment(s) incorporated in the Act(s).

Port Companies Amendment Act 1990 (1990 No 120)

Amendment(s) incorporated in the Act(s).

Public Audit Act 2001 (2001 No 10)

Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Act 1959 (1959 No 98)

Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Amendment Act 1976 (1976 No 115)

Public Finance Act 1989 (1989 No 44)

Amendment(s) incorporated in the Act(s).

Public Trust Act 2001 (2001 No 100)

Amendment(s) incorporated in the Act(s).

Public Works Amendment Act (No 2) 1987 (1987 No 67)

Amendment(s) incorporated in the Act(s).

Public Works Amendment Act 1988 (1988 No 43)

Amendment(s) incorporated in the Act(s).

Queenstown Waterworks Act 1875 (1875 No 4)

Rates Rebate Amendment Act 1978 (1978 No 85)

Amendment(s) incorporated in the Act(s).

Rating Valuations Act 1998 (1998 No 69)

Amendment(s) incorporated in the Act(s).

Reserves Amendment Act 1979 (1979 No 63)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal and Public Bodies Empowering Act 1922 (1922 No 50)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46)

Amendment(s) incorporated in the Act(s).

Resource Management Act 1991 (1991 No 69)

Amendment(s) incorporated in the Act(s).

Resource Management Amendment Act 1993 (1993 No 65)

Amendment(s) incorporated in the Act(s).

Resource Management Amendment Act 1997 (1997 No 104)

Amendment(s) incorporated in the Act(s).

River Boards Amendment Act 1913 (1913 No 35)

Amendment(s) incorporated in the Act(s).

Rotorua Borough Act 1922 (1922 No 9)

Amendment(s) incorporated in the Act(s).

Rural Fires Amendment Act 1990 (1990 No 137)

Amendment(s) incorporated in the Act(s).

Soil Conservation and Rivers Control Amendment Act 1954 (1954 No 80)

Stamp and Cheque Duties Act 1971 (1971 No 51)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1940 (1940 No 18)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1942 (1942 No 18)

Statutes Amendment Act 1947 (1947 No 60)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1950 (1950 No 91)

Taieri County Empowering (Community Centres) Act 1970 (1970 No 18 (L))

Taxation (Core Provisions) Act 1996 (1996 No 67)

Amendment(s) incorporated in the Act(s).

Thames Harbour Act 1936 (1936 No 52)

Thorndon Reclamation Act 1921–22 (1921 No 70)

Timaru Harbour Board Act 1876 (1876 No 97)

Amendment(s) incorporated in the Act(s).

Timaru Municipal Council Waterworks Loan Act 1875 (1875 No 31)

Transit New Zealand Amendment Act 1995 (1995 No 42)

Amendment(s) incorporated in the Act(s).

Transport Act 1962 (1962 No 135)

Amendment(s) incorporated in the Act(s).

Transport Services Licensing Amendment Act (No 2) 1992 (1992 No 69)

Amendment(s) incorporated in the Act(s).

Transport Services Licensing Amendment Act 1995 (1995 No 47)

Trustee Companies Act 1967 (1967 No 35)

Amendment(s) incorporated in the Act(s).

Waikato and King Country Counties Act 1921–22 (1921 No 64)

Waikowhai Park Act 1911 (1911 No 8 (L))

Waimakariri–Ashley Water Supply Act 1961 (1961 No 131)

Amendment(s) incorporated in the Act(s).

Waitomo County Act 1904 (1904 No 56)

Wanganui Harbour and River Conservators Board Act 1876 (1876 No 86)

Amendment(s) incorporated in the Act(s).

Wellington Regional Water Board Act 1972 (1972 No 3 (L))

Amendment(s) incorporated in the Act(s).

Schedule 19
Local Acts repealed

s 269

Akaroa and Wainui Road District, Akaroa County, and Wairewa County Alteration of Boundaries Act 1912 (1912 No 8 (L))

Akitio County Act 1898 (1898 No 16 (L))

Ashburton Borough Cemetery Act 1955 (1955 No 2 (L))

Ashburton Water-supply Act 1904 (1904 No 16 (L))

Ashley Subdivision, and the Waimakariri–Ashley Water-supply Board Act 1911 (1911 No 9 (L))

Auckland Cemetery Bridge and City Borrowing Act 1905 (1905 No 32 (L))

Auckland City Council and Auckland Harbour Board Empowering Act 1948 (1948 No 12 (L))

Auckland City Council (Local Elections) Empowering Act 1974 (1974 No 3 (L))

Auckland City Empowering Act 1928 (1928 No 3 (L))

Auckland City Endowments and Reserves Act 1877 (1877 No 27 (L))

Auckland City Loans Consolidation and Empowering Act 1921 (1921 No 1 (L))

Auckland City Parks Improvement and Empowering Act 1916 (1916 No 4 (L))

Auckland City Sinking Funds and Empowering Act 1929 (1929 No 15 (L))

Auckland City (Vulcan Lane Mall) Empowering Act 1967 (1967 No 10 (L))

Auckland Harbour Act 1877 (1877 No 16 (L))

Auckland Harbour Board Act 1912 (1912 No 22 (L))

Auckland Harbour Board and Devonport Borough Council (Ngataringa Bay) Empowering Act Repeal Act 1990 (1990 No 1 (L))

Auckland Harbour Board Empowering Act 1882 (1882 No 1 (L))

Auckland Harbour Board Empowering Act 1891 (1891 No 1 (L))

Auckland Harbour Board Empowering Act 1892 (1892 No 16 (L))

Auckland Harbour Board Empowering Act 1905 (1905 No 8 (L))

Auckland Harbour Board Empowering Act 1916 (1916 No 1 (L))

Auckland Harbour Board Empowering Act 1926 (1926 No 16 (L))

Auckland Harbour Board Empowering Act 1927 (1927 No 10 (L))

Auckland Harbour Board Empowering Act 1933 (1933 No 1 (L))

Auckland Harbour Board Empowering Act 1935 (1935 No 16 (L))

Auckland Harbour Board Empowering Act 1936 (1936 No 7 (L))

Auckland Harbour Board Empowering Act 1970 (1970 No 23 (L))

Auckland Harbour Board Loan Act 1886 (1886 No 1 (L))

Auckland Harbour Board Loan Act 1886 Amendment Act 1891 (1891 No 6 (L))

Auckland Harbour Board Loan and Empowering Act 1904 (1904 No 14 (L))

Auckland Harbour Board Loan and Empowering Act 1908 (1908 No 10 (L))

Auckland Harbour Board Loan and Empowering Act 1924 (1924 No 14 (L))

Auckland Harbour Board Loan and Empowering Act 1937 (1937 No 2 (L))

Auckland Harbour Board Loan and Empowering Act 1946 (1946 No 6 (L))

Auckland Harbour Board Loan and Empowering Act 1951 (1951 No 17 (L))

Auckland Harbour Board Loan and Empowering Act 1953 (1953 No 13 (L))

Auckland Harbour Board Loan and Empowering Act 1955 (1955 No 8 (L))

Auckland Harbour Board Loan and Empowering Act 1958 (1958 No 13 (L))

Auckland Harbour Board Loan and Empowering Act 1961 (1961 No 8 (L))

Auckland Harbour Board Loan and Empowering Act 1963 (1963 No 12 (L))

Auckland Harbour Board Loan and Empowering Act 1965 (1965 No 16 (L))

Auckland Harbour Board Loan and Empowering Act 1967 (1967 No 7 (L))

Auckland Harbour Board (Lynfield Development) Loan and Empowering Act 1960 (1960 No 11 (L))

Auckland Harbour Development Act 1949 (1949 No 2 (L))

Auckland Harbour Improvement Act 1888 (1888 No 1 (L))

Auckland Metropolitan Drainage Act 1944 (1944 No 8 (L))

Auckland Regional Authority Empowering Act 1972 (1972 No 10 (L))

Auckland Regional Authority Establishment Act 1960 (1960 No 9 (L))

Auckland Regional Authority (Mount Smart) Expenditure Act 1985 (1985 No 1 (L))

Auckland Regional Planning Authority Act 1963 (1963 No 19 (L))

Awanui Harbour Board Empowering Act 1956 (1956 No 1 (L))

Awatere County Act 1911 (1911 No 10 (L))

Awatere County Empowering Act 1941 (1941 No 4 (L))

Awatere County Empowering Act 1960 (1960 No 6 (L))

Balclutha Borough Council Empowering Act 1949 (1949 No 12 (L))

Bay of Islands Harbour Act 1920 (1920 No 16 (L))

Bay of Islands Harbour Amendment Act 1922 (1922 No 20 (L))

Bay of Islands Harbour Amendment Act 1930 (1930 No 15 (L))

Bay of Islands Harbour Amendment Act 1936 (1936 No 10 (L))

Bay of Islands Harbour Board Empowering Act 1952 (1952 No 22 (L))

Bay of Islands Harbour Board Empowering Act 1956 (1956 No 12 (L))

Bay of Plenty Catchment Commission and Regional Water Board Administrative Expenses Recovery Act 1977 (1977 No 12 (L))

Bay of Plenty Harbour Board Act 1970 (1970 No 5 (L))

Bay of Plenty Harbour Board Empowering Act 1919 (1919 No 2 (L))

Bay of Plenty Harbour Board Empowering Act 1920 (1920 No 7 (L))

Bay of Plenty Harbour Board Empowering Act 1977 (1977 No 8 (L))

Bay of Plenty Harbour Board Empowering Amendment Act 1921 (1921 No 6 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1956 (1956 No 7 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1959 (1959 No 16 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1962 (1962 No 14 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1964 (1964 No 4 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1965 (1965 No 6 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1966 (1966 No 13 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1967 (1967 No 12 (L))

Bay of Plenty Harbour Board Loan and Empowering Act 1968 (1968 No 10 (L))

Bay of Plenty Regional Council (Rates Validation) Act 1995 (1995 No 1 (L))

Beachlands Domain Board Empowering Act 1961 (1961 No 9 (L))

Bluff Borough Council and Southland Harbour Board Empowering Act 1952 (1952 No 24 (L))

Bluff Borough Empowering Act 1939 (1939 No 1 (L))

Bluff Harbour Foreshore Leasing Act 1880 (1880 No 2 (L))

Bluff Harbour Improvement Act 1952 (1952 No 14 (L))

Bluff Harbour Reclamation and Leasing and Empowering Act 1929 (1929 No 7 (L))

Borough of Birkenhead Enabling Act 1905 (1905 No 23 (L))

Borough of Brunner Enabling Act 1889 (1889 No 18 (L))

Borough of Hamilton Boundaries Act 1882 (1882 No 7 (L))

Borough of Masterton Private Roads Act 1898 (1898 No 18 (L))

Borough of Masterton Water-supply and Drainage-works Loan Empowering Act 1896 (1896 No 13 (L))

Borough of Mataura Loan Validation Act 1901 (1901 No 5 (L))

Borough of Mornington Boundaries Act 1886 (1886 No 11 (L))

Borough of Mornington Tramways Act 1901 (1901 No 6 (L))

Borough of Mornington Tramways Act Amendment Act 1913 (1913 No 2 (L))

Borough of Oamaru Leasing Act 1894 (1894 No 17 (L))

Borough of Port Chalmers and Otago Dock Trust Exchange of Land Act 1906 (1906 No 24 (L))

Borough of Port Chalmers Borrowing Act 1899 (1899 No 5 (L))

Borough of Port Chalmers Leasing Empowering Act 1961 (1961 No 1 (L))

Brunner Borough Abolition Act 1925 (1925 No 13 (L))

Buller County Leasing Empowering Act 1928 (1928 No 4 (L))

Cambridge Borough Council (Sale of Land Validating) Act 1978 (1978 No 6 (L))

Canterbury Society of Arts Reserve Act 1889 (1889 No 20 (L))

Carterton Borough Water-supply Act 1903 (1903 No 11 (L))

Castlepoint County Act 1900 (1900 No 32 (L))

Caversham Drainage Act 1884 (1884 No 16 (L))

Caversham, South Dunedin, and St. Kilda Streets Improvement Act 1883 (1883 No 24 (L))

Christchurch City Empowering (Information Centre) Act 1974 (1974 No 7 (L))

Christchurch City Forestry Empowering Act 1975 (1975 No 8 (L))

Christchurch Domains Trust Indemnity Act 1899 (1899 No 20 (L))

Christchurch Rifle Range Act 1888 (1888 No 14 (L))

Christchurch Town Hall Board of Management Act 1976 (1976 No 2 (L))

Christchurch Town Hall Empowering Act 1968 (1968 No 7 (L))

Christchurch Tramway District Act 1920 (1920 No 15 (L))

Christchurch Tramway District Amendment Act 1926 (1926 No 12 (L))

Christchurch Tramway District Amendment Act 1927 (1927 No 21 (L))

Christchurch Tramway District Amendment Act 1932–33 (1932–33 No 14 (L))

Christchurch Tramway District Amendment Act 1949 (1949 No 1 (L))

Christchurch Tramway District Amendment Act 1950 (1950 No 2 (L))

Christchurch Tramway District Amendment Act 1954 (1954 No 4 (L))

Christchurch Tramway District Amendment Act 1960 (1960 No 12 (L))

Christchurch Tramway District Amendment Act 1963 (1963 No 4 (L))

Christchurch Tramway District Amendment Act 1966 (1966 No 8 (L))

Christchurch Tramway District Amendment Act 1967 (1967 No 16 (L))

Christchurch Tramway District Amendment Act 1970 (1970 No 20 (L))

Christchurch Tramway District Amendment Act 1974 (1974 No 10 (L))

Christchurch Tramway District Amendment Act 1975 (1975 No 5 (L))

Christchurch Tramway District Amendment Act (No 2) 1975 (1975 No 12 (L))

City of Dunedin Loans Consolidation Act 1877 (1877 No 50 (L))

City of Nelson Loans Conversion and Empowering Act 1913 (1913 No 16 (L))

City of Nelson Loans Conversion and Empowering Amendment Act 1916 (1916 No 3 (L))

City of Wellington Loans Consolidation Act 1876 Amendment Act 1877 (1877 No 31 (L))

Collingwood County Act 1903 (1903 No 13 (L))

Day's Bay Sanitation and Water-supply Act 1917 (1917 No 1 (L))

District of Palmerston North Hospital and Charitable Aid Board Empowering Act 1893 (1893 No 9 (L))

Dunedin City and Suburban Tramways Act 1900 (1900 No 3 (L))

Dunedin City and Suburban Tramways Act 1900 Amendment Act 1901 (1901 No 26 (L))

Dunedin City Borrowing Act 1896 (1896 No 2 (L))

Dunedin City Corporation Empowering Amendment Act 1944 (1944 No 2 (L))

Dunedin City Council Empowering Act 1914 (1914 No 5 (L))

Dunedin City Council (Sale of Liquor) Empowering Act 1992 (1992 No 5 (L))

Dunedin City Empowering Act 1935 (1935 No 15 (L))

Dunedin City Empowering Act 1949 (1949 No 6 (L))

Dunedin City Empowering Act 1960 (1960 No 13 (L))

Dunedin District Drainage and Sewerage Act 1900 (1900 No 25 (L))

Dunedin District Drainage and Sewerage Act 1900 Amendment Act 1902 (1902 No 15 (L))

Dunedin District Drainage and Sewerage Act 1900 Amendment Act 1905 (1905 No 29 (L))

Dunedin District Drainage and Sewerage Act 1900 Amendment Act 1906 (1906 No 14 (L))

Dunedin District Drainage and Sewerage Act Amendment Act 1907 (1907 No 20 (L))

Dunedin District Drainage and Sewerage Acts Amendment Act 1909 (1909 No 23 (L))

Dunedin District Drainage and Sewerage Acts Amendment Act 1911 (1911 No 32 (L))

Dunedin District Drainage and Sewerage Acts Amendment Act 1912 (1912 No 3 (L))

Dunedin District Drainage and Sewerage Acts Amendment Act 1913 (1913 No 3 (L))

Dunedin District Drainage and Sewerage Acts Amendment Act 1914 (1914 No 12 (L))

Dunedin District Drainage and Sewerage Acts Amendment Act 1915 (1915 No 12 (L))

Dunedin District Drainage and Sewerage Amendment Act 1916 (1916 No 6 (L))

Dunedin District Drainage and Sewerage Amendment Act 1921 (1921 No 2 (L))

Dunedin District Drainage and Sewerage Amendment Act 1923 (1923 No 9 (L))

Dunedin District Drainage and Sewerage Amendment Act 1925 (1925 No 5 (L))

Dunedin District Drainage and Sewerage Amendment Act 1930 (1930 No 6 (L))

Dunedin District Drainage and Sewerage Amendment Act 1937 (1937 No 8 (L))

Dunedin Drainage and Sewerage Board Empowering Act 1946 (1946 No 7 (L))

Dunedin District Drainage and Sewerage Amendment Act 1947 (1947 No 4 (L))

Dunedin District Drainage and Sewerage Amendment Act 1951 (1951 No 3 (L))

Dunedin Drainage and Sewerage Board Empowering Act 1953 (1953 No 4 (L))

Dunedin District Drainage and Sewerage Amendment Act 1966 (1966 No 6 (L))

Dunedin District Drainage and Sewerage Amendment Act 1983 (1983 No 5 (L))

Dunedin Drainage and Sewerage Board Empowering Act 1938 (1938 No 16 (L))

Dunedin Gaol Street Act 1877 (1877 No 43 (L))

Dunedin Gas and Waterworks Act 1877 (1877 No 23 (L))

Dunedin Loans Consolidation Act 1895 (1895 No 15 (L))

Dunedin Loans Conversion Act 1894 (1894 No 16 (L))

Dunedin Town Hall Site Act 1877 (1877 No 11 (L))

Dunedin Waterworks Extension Act 1875 Amendment Act 1878 (1878 No 61 (L))

Dunedin Waterworks Extension Act 1901 (1901 No 8 (L))

Eastbourne Borough Act 1905 (1905 No 21 (L))

Eastbourne Borough Bank Account and Empowering Act 1926 (1926 No 11 (L))

East Coast Bays Borough Empowering Act 1965 (1965 No 18 (L))

East Coast Bays City Council (Rates Validation) Act 1987 (1987 No 10 (L))

Egmont County Act 1901 (1901 No 9 (L))

Egmont County Districts Adjustment Act 1902 (1902 No 8 (L))

Eketahuna Borough Act 1906 (1906 No 15 (L))

Eketahuna County Act 1898 (1898 No 17 (L))

Ellesmere Domain Board Empowering Act 1909 (1909 No 2 (L))

Eltham County Act 1906 (1906 No 39 (L))

Epsom and Mount Eden Reserve Act 1890 (1890 No 17 (L))

Far North District Council (Rating and Loans Validation) Act 1995 (1995 No 5 (L))

Featherston County Act 1901 (1901 No 10 (L))

Featherston County Council Empowering Act 1964 (1964 No 2 (L))

Featherston County Water-race Districts Validation Act 1935 (1935 No 11 (L))

Franklin and Manukau Counties Act 1911 (1911 No 12 (L))

Gisborne Borough and Harbour Board Lands Exchange and Empowering Act 1913 (1913 No 21 (L))

Gisborne Harbour Amendment Act 1910 (1910 No 1 (L))

Gisborne Harbour Board Amendment Act 1920 (1920 No 17 (L))

Gisborne Harbour Board Empowering Act 1952 (1952 No 11 (L))

Gisborne Harbour Board Empowering Act 1956 (1956 No 6 (L))

Gisborne Harbour Board Empowering Act 1958 (1958 No 4 (L))

Gisborne Harbour Board Empowering Act 1961 (1961 No 13 (L))

Gisborne Harbour Board Empowering Act 1964 (1964 No 1 (L))

Gisborne Harbour Board Empowering Act 1966 (1966 No 5 (L))

Gisborne Harbour Board Enabling Act 1913 (1913 No 17 (L))

Gisborne Harbour Board Loan and Empowering Act 1974 (1974 No 1 (L))

Gisborne Harbour Board Loan and Empowering Amendment Act 1972 (1972 No 6 (L))

Gladstone Streets Vesting and Empowering Act 1906 (1906 No 20 (L))

Gonville and Castlecliff Tramway District Act 1908 (1908 No 29 (L))

Gore Agricultural and Pastoral Association Empowering Act 1899 (1899 No 8 (L))

Gore Agricultural and Pastoral Association Vesting and Enabling Act 1907 (1907 No 7 (L))

Gore Cemetery Reserve Vesting and Enabling Act 1901 (1901 No 11 (L))

Greymouth Harbour Board Act 1884 (1884 No 11 (L))

Greymouth Harbour Board Act 1884 Amendment Act 1902 (1902 No 29 (L))

Greymouth Harbour Board Amendment Act 1920 (1920 No 71)

Greymouth Harbour Board Amendment Act 1935 (1935 No 26)

Greymouth Harbour Board Amendment Act 1945 (1945 No 13)

Greymouth Harbour Board Amendment Act 1962 (1962 No 73)

Greymouth Harbour Board Loan Act 1938 (1938 No 12 (L))

Greymouth Harbour Board Loan Act 1940 (1940 No 1 (L))

Greymouth Harbour Board (Validation of Rates) Act 1991 (1991 No 1 (L))

Greytown Borough Loan Empowering Act 1919 (1919 No 16 (L))

Greytown Reserves Vesting and Disposal Enabling Act 1901 (1901 No 12 (L))

Hamilton Borough Council Empowering Act 1935 (1935 No 14 (L))

Hamilton Borough Council Empowering Amendment Act 1937 (1937 No 15 (L))

Hamilton Domains Act 1911 (1911 No 33 (L))

Hamilton Domains Amendment Act 1922 (1922 No 16 (L))

Hastings Borough Loan Validation and Empowering Act 1894 (1894 No 23 (L))

Hastings Recreation Reserve Act 1907 (1907 No 18 (L))

Hauraki Plains County Council Empowering Act 1924 (1924 No 25 (L))

Hauraki Plains, Thames, Ohinemuri, and Piako Counties Act 1919 (1919 No 21 (L))

Havelock Harbour Board Act 1905 (1905 No 30 (L))

Havelock Harbour Board Amendment Act 1953 (1953 No 15 (L))

Hawera Borough Betterment Act 1902 (1902 No 2 (L))

Hawera Borough Endowment Act 1889 (1889 No 3 (L))

Hawke's Bay Catchment Board Empowering Act 1977 (1977 No 14 (L))

Hawke's Bay Catchment Board Rating Act 1966 (1966 No 10 (L))

Hawke's Bay County Empowering Act 1930 (1930 No 10 (L))

Hawke's Bay County Empowering Act 1935 (1935 No 6 (L))

Hawke's Bay Harbour Board Act 1974 (1974 No 8 (L))

Heathcote County Boundary Act 1911 (1911 No 13 (L))

Heathcote Road Board Waterworks Act 1909 (1909 No 16 (L))

Heathcote Road District Sanitation Act 1899 (1899 No 1 (L))

Hikurangi Town Council Empowering Act 1955 (1955 No 4 (L))

Horowhenua County Loan Act 1910 (1910 No 12 (L))

Hutt City Council (Rating Validation) Act 1993 (1993 No 1 (L))

Hutt County Special Rates Amalgamation Act 1970 (1970 No 11 (L))

Hutt River Improvement and Reclamation Act 1922 (1922 No 17 (L))

Hutt Valley Tramway District Act 1908 (1908 No 43 (L))

Hutt Valley Tramway District Amendment Act 1909 (1909 No 40 (L))

Inangahua County Council Empowering Act 1894 (1894 No 10 (L))

Inangahua County Council Empowering Act 1909 (1909 No 31 (L))

Inangahua County Empowering Act 1908 (1908 No 8 (L))

Inangahua County Empowering Act 1943 (1943 No 6 (L))

Invercargill Athenaeum Act 1916 (1916 No 8 (L))

Invercargill City Council Tramway Depreciation Fund Empowering Act 1940 (1940 No 3 (L))

Invercargill City Council (Differential Rating Validation) Act 1986 (1986 No 8 (L))

Invercargill City Council Vesting and Empowering Act 1982 (1982 No 5 (L))

Invercargill Corporation Empowering Act 1922 (1922 No 11 (L))

Invercargill Gas Loan Act 1877 (1877 No 9 (L))

Invercargill Reserves Vesting and Empowering Act 1991 (1991 No 3 (L))

Judea Land Drainage Board Empowering Act 1921 (1921 No 4 (L))

Kaikoura River Board Validating Act 1953 (1953 No 5 (L))

Kairanga County Act 1901 (1901 No 15 (L))

Kaitieke County Act 1910 (1910 No 33 (L))

Kensington Park Rate Exemption Act 1906 (1906 No 16 (L))

Kiwitea County Act 1893 (1893 No 4 (L))

Kiwitea County Validation Act 1909 (1909 No 34 (L))

Kohukohu Foreshore Reclamation Act 1897 (1897 No 11 (L))

Lake County Empowering (Community Centres) Act 1970 (1970 No 2 (L))

Lawrence Municipal Waterworks Act 1877 (1877 No 39 (L))

Lawrence Reserves Act 1877 (1877 No 24 (L))

Levels County Act 1894 (1894 No 4 (L))

Lower Hutt Borough Council Empowering Act 1927 (1927 No 18 (L))

Lower Hutt City Empowering (Community Centres) Act 1949 (1949 No 13 (L))

Lower Hutt City Empowering (Community Centres) Amendment Act 1953 (1953 No 8 (L))

Lower Hutt, Porirua, and Upper Hutt Cities Empowering (Petroleum Tax) Act 1973 (1973 No 7 (L))

Lyttelton Borough Council Foreshore Vesting Act 1905 (1905 No 22 (L))

Lyttelton Borough Empowering Act 1946 (1946 No 4 (L))

Lyttelton Borough Empowering Act 1963 (1963 No 5 (L))

Lyttelton Borough Empowering Act 1976 (1976 No 7 (L))

Lyttelton Harbour Board Empowering Act 1951 (1951 No 7 (L))

Lyttelton Harbour Board Land Act 1913 (1913 No 25 (L))

Lyttelton Harbour Board Loan Act 1949 (1949 No 5 (L))

Lyttelton Harbour Board Loan Act 1956 (1956 No 2 (L))

Lyttelton Harbour Board Loan and Empowering Act 1952 (1952 No 21 (L))

Lyttelton Harbour Board Loan and Empowering Act 1955 (1955 No 5 (L))

Lyttelton Harbour Board Loan and Empowering Act 1962 (1962 No 17 (L))

Lyttelton Harbour Board Loan and Empowering Act 1965 (1965 No 8 (L))

Lyttelton Harbour Board Reclamation and Empowering Act 1910 (1910 No 21 (L))

Lyttelton Orphanage Lands Vesting Act 1893 (1893 No 11 (L))

Lyttelton Waterworks Transfer Act 1878 (1878 No 48 (L))

Lyttelton Waterworks Transfer Amendment Act 1979 (1979 No 2 (L))

Makara County Act 1907 (1907 No 28 (L))

Makara County Empowering (Community Centres) Act 1959 (1959 No 14 (L))

Manawatu County Loan and Empowering Act 1917 (1917 No 2 (L))

Manawatu County Loan and Empowering Amendment Act 1919 (1919 No 3 (L))

Manukau City Empowering (Drainage and Sewerage Rates Remission) Act 1974 (1974 No 9 (L))

Manukau City Empowering (Rates Postponement) Act 1967 (1967 No 5 (L))

Manukau City Empowering (Sewerage Rate) Act 1966 (1966 No 4 (L))

Manukau City Empowering (Wiri Hotel Site) Act 1973 (1973 No 3 (L))

Manukau City Empowering (Woodside Cemetery) Act 1975 (1975 No 6 (L))

Manukau City Rating Repeal Act 1977 (1977 No 11 (L))

Manukau County Council Empowering Act 1941 (1941 No 5 (L))

Marlborough County Council Empowering Act Repeal Act 1999 (1999 No 1 (L))

Marlborough County Council (Riverlore Reserve) Empowering Act 1989 (1989 No 2 (L))

Marlborough District Council Empowering Act 1991 (1991 No 5 (L))

Marlborough Forestry Corporation Act Repeal Act 1996 (1996 No 2 (L))

Marlborough Harbour Act 1958 (1958 No 17 (L))

Marlborough Harbour Amendment Act 1959 (1959 No 7 (L))

Marlborough Harbour Amendment Act 1960 (1960 No 10 (L))

Marlborough Harbour Amendment Act 1962 (1962 No 15 (L))

Marlborough Harbour Amendment Act 1977 (1977 No 15 (L))

Massey Frauds Indemnity Act 1883 (1883 No 3 (L))

Masterton Borough Betterment Act 1902 (1902 No 10 (L))

Masterton County Act 1900 (1900 No 16 (L))

Masterton County Council (Special Order and Rates) Act 1979 (1979 No 18 (L))

Masterton District Council (Rates Validation and Empowering) Act 1992 (1992 No 1 (L))

Matakaoa County Act 1919 (1919 No 8 (L))

Matamata County Act 1908 (1908 No 15 (L))

Matamata County Council Empowering Act 1925 (1925 No 2 (L))

Matamata–Piako District Council Empowering Act 1990 (1990 No 3 (L))

Mataura Borough Council Empowering Act 1970 (1970 No 7 (L))

Mataura Reserve Vesting Act 1896 (1896 No 16 (L))

Mauriceville County Act 1899 (1899 No 16 (L))

Mokau Harbour Act 1940 (1940 No 5 (L))

Mosgiel Borough Empowering Act 1911 (1911 No 15 (L))

Mosgiel Borough Empowering Act 1922 (1922 No 19 (L))

Mosgiel Borough Empowering Act 1926 (1926 No 6 (L))

Motueka Borough Council Empowering Act 1937 (1937 No 3 (L))

Motueka Borough Council Empowering Act 1963 (1963 No 10 (L))

Motueka Borough Reclamation Act 1977 (1977 No 13 (L))

Motueka Harbour Board Act 1905 (1905 No 38 (L))

Motueka Harbour Board Amendment Act 1936 (1936 No 12 (L))

Mount Herbert County Act 1902 (1902 No 27 (L))

Mount Herbert County Council (Lump Sum Contributions) Empowering Act 1987 (1987 No 8 (L))

Murchison County Act 1908 (1908 No 31 (L))

Napier Athenaeum and Mechanics' Institute Empowering Act 1906 (1906 No 26 (L))

Napier Borough (Marewa Area) Empowering Act 1946 (1946 No 12 (L))

Napier Borough and Napier Harbour Board Enabling Act 1928 (1928 No 20 (L))

Napier Borough (Marewa Area) Empowering Amendment Act 1951 (1951 No 13 (L))

Napier City (Westshore Streets Improvement) Empowering Act 1951 (1951 No 12 (L))

Napier Harbour Board and Napier High School Empowering Act 1918 (1918 No 8 (L))

Napier Harbour Board and Napier High School Empowering Amendment Act 1921 (1921 No 13 (L))

Napier Harbour Board Empowering Act 1933 (1933 No 16 (L))

Napier Harbour Board Empowering and Loan Act 1884 (1884 No 5 (L))

Napier Harbour Board Empowering and Loan Act 1914 (1914 No 14 (L))

Napier Harbour Board Empowering and Loan Amendment Act 1920 (1920 No 4 (L))

Napier Harbour Board Empowering and Vesting Act 1917 (1917 No 9 (L))

Napier Harbour Board Empowering, Loan, and Constitution Amendment Act 1927 (1927 No 23 (L))

Napier Harbour Board Enabling Act 1921 (1921 No 12 (L))

Napier Harbour Board Exchange of Lands Empowering Act 1906 (1906 No 27 (L))

Napier Harbour Board Loan Act 1892 (1892 No 5 (L))

Napier Harbour Board Loan Act 1909 (1909 No 41 (L))

Napier Harbour Board Loan Act 1933 (1933 No 18 (L))

Napier Harbour Board Loan Amendment Act 1937 (1937 No 14 (L))

Napier Harbour Board Loan Amendment Act 1939 (1939 No 8 (L))

Napier Harbour Board Loan Act 1946 (1946 No 13 (L))

Napier Harbour Board Loan Amendment Act 1951 (1951 No 11 (L))

Napier Harbour Board Loan Act 1954 (1954 No 1 (L))

Napier Harbour Board Loan and Empowering Act 1962 (1962 No 12 (L))

Napier Harbour Board Loan and Empowering Act 1968 (1968 No 11 (L))

Napier Harbour Board Loan and Empowering Act (No 2) 1968 (1968 No 19 (L))

Napier Harbour Board Loans Enabling Act 1918 (1918 No 3 (L))

Napier Harbour Board Loans Enabling Act 1918 Extension Act 1927 (1927 No 8 (L))

Napier Harbour Board Loans Enabling Act 1930 (1930 No 12 (L))

Napier Harbour Board Rating Regulation Act 1925 (1925 No 6 (L))

Naseby Borough Council (Excess Rate Validation) Act 1991 (1991 No 4 (L))

Nelson City Council (Trafalgar Park) Empowering Act 1985 (1985 No 5 (L))

Nelson City Drainage Loan and Empowering Act 1910 (1910 No 11 (L))

Nelson City Empowering Act 1946 (1946 No 3 (L))

Nelson City Empowering Act 1951 (1951 No 5 (L))

Nelson City Empowering Act 1958 (1958 No 16 (L))

Nelson City Empowering Act 1966 (1966 No 25 (L))

Nelson City Empowering Act 1967 (1967 No 13 (L))

Nelson City Empowering Act 1968 (1968 No 12 (L))

Nelson City Lands Vesting Act 1904 (1904 No 6 (L))

Nelson Gas and Waterworks Sale Act 1877 (1877 No 72 (L))

Nelson Harbour Board and Nelson City Empowering Act 1961 (1961 No 11 (L))

Nelson Harbour Board Empowering Act 1917 (1917 No 10 (L))

Nelson Harbour Board Empowering Act 1939 (1939 No 5 (L))

Nelson Harbour Board Empowering Act 1948 (1939 No 13 (L))

Nelson Harbour Board Empowering Amendment Act 1953 (1939 No 1 (L))

Nelson Harbour Board Empowering Act 1956 (1956 No 3 (L))

Nelson Harbour Board Empowering Act 1958 (1958 No 11 (L))

Nelson Harbour Board Empowering Act 1959 (1959 No 11 (L))

Nelson Harbour Board Empowering Act 1965 (1965 No 12 (L))

Nelson Harbour Board Empowering Act 1966 (1966 No 3 (L))

New Lynn Sewerage Validation Act 1931 (1931 No 10 (L))

New Plymouth Borough and Harbour Board Exchange Act 1918 (1918 No 4 (L))

New Plymouth Borough and Taranaki Harbours Board Exchange Act 1924 (1924 No 2 (L))

New Plymouth Borough and the Taranaki School Commissioners Exchange Act 1906 (1906 No 2 (L))

New Plymouth Borough Council and New Plymouth Harbour Board Empowering Act 1933 (1933 No 2 (L))

New Plymouth Borough Council and New Plymouth Harbour Board Empowering Amendment Act 1948 (1948 No 3 (L))

New Plymouth Borough Land Exchange and Empowering Act 1934 (1934 No 9 (L))

New Plymouth Borough Land Exchange and Empowering Act 1936 (1936 No 3 (L))

New Plymouth Harbour Reclamation Act 1909 (1909 No 24 (L))

New Plymouth Huatoki Stream Diversion and Exchange Act 1912 (1912 No 15 (L))

Newmarket Reserve Act 1878 (1878 No 45 (L))

Ngaruawahia Borough Council Empowering Act 1937 (1937 No 4 (L))

Northcote Borough Empowering Act 1956 (1956 No 10 (L))

Northland Harbour Board Empowering Act 1978 (1978 No 1 (L))

Northland Harbour Board Vesting Act 1971 (1971 No 12 (L))

Northland Harbour Board Vesting and Empowering Act 1966 (1966 No 20 (L))

Northland Harbour Board Vesting and Empowering Act 1967 (1967 No 11 (L))

Northland Harbour Board Vesting and Empowering Act 1968 (1968 No 15 (L))

Oamaru Borough Council Loan Act 1905 (1905 No 27 (L))

Oamaru Harbour Board Act 1879 (1879 No 30 (L))

Oamaru Harbour Board Advance Repayment Act 1892 (1892 No 15 (L))

Oamaru Harbour Board Empowering Act 1934 (1934 No 13 (L))

Oamaru Harbour Board Enabling Act 1910 (1910 No 9 (L))

Oamaru Harbour Board Loan Act 1882 (1882 No 25 (L))

Oamaru Harbour Board Loan Act 1887 (1887 No 13 (L))

Oamaru Harbour Board Loan Act 1903 (1903 No 29 (L))

Oamaru Harbour Board Loan Act 1908 (1908 No 3 (L))

Oamaru Harbour Board Loan and Empowering Act 1964 (1964 No 9 (L))

Oamaru Harbour Board Ordinance Amendment Act 1878 (1878 No 24 (L))

Oamaru Municipal and Education Reserves Exchange Act 1888 (1888 No 20 (L))

Oamaru Volunteer Drill-shed Site Act 1905 (1905 No 16 (L))

Oamaru Waterworks Act 1875 Amendment Act 1880 (1880 No 8 (L))

Ohakune Town Board Election Validation Act 1908 (1908 No 44 (L))

Ohura County Act 1908 (1908 No 33 (L))

Omaka Recreation Reserve Sale Act 1890 (1890 No 2 (L))

Onehunga Borough Vesting Act 1911 (1911 No 24 (L))

Otago Dock Trust Merger Amendment Act 1909 (1909 No 22 (L))

Otago Dock Validation Act 1906 (1906 No 6 (L))

Otago Harbour Board Empowering Act 1880 (1880 No 23 (L))

Otago Harbour Board Empowering Act 1903 (1903 No 19 (L))

Otago Harbour Board Empowering Act 1907 (1907 No 16 (L))

Otago Harbour Board Empowering Act 1909 (1909 No 17 (L))

Otago Harbour Board Empowering Act 1938 (1938 No 7 (L))

Otago Harbour Board Empowering Act 1944 (1944 No 6 (L))

Otago Harbour Board Empowering Act 1950 (1950 No 8 (L))

Otago Harbour Board Empowering Act 1952 (1952 No 19 (L))

Otago Harbour Board Empowering Act 1958 (1958 No 15 (L))

Otago Harbour Board Empowering Act 1960 (1960 No 2 (L))

Otago Harbour Board Empowering Act 1965 (1965 No 13 (L))

Otago Harbour Board Further Empowering Act 1882 Amendment Act 1894 (1894 No 31 (L))

Otago Harbour Board Indemnity and Lands Vesting Act 1888 (1888 No 21 (L))

Otago Harbour Board Loans Consolidation Act 1884 Amendment Act 1897 (1897 No 2 (L))

Paeroa Domain Loan Validation Act 1905 (1905 No 26 (L))

Palmerston North Borough Loans Consolidation Act 1921 (1921 No 14 (L))

Palmerston North Reserves Act 1879 (1879 No 17 (L))

Patea Harbour Act 1878 (1878 No 37 (L))

Patea Harbour Act 1901 (1901 No 18 (L))

Patea Harbour Act 1904 (1904 No 13 (L))

Patea Harbour Act 1913 (1913 No 9 (L))

Patea Harbour Amendment Act 1919 (1919 No 7 (L))

Petone and Hutt Corporations Empowering Act 1905 (1905 No 44 (L))

Petone and Lower Hutt Gas Act 1922 (1922 No 13 (L))

Petone and Lower Hutt Gas Amendment Act 1954 (1954 No 2 (L))

Petone and Lower Hutt Gas Empowering Act 1944 (1944 No 1 (L))

Petone and Lower Hutt Gas Empowering and Amendment Act 1942 (1942 No 5 (L))

Petone Borough Council (Differential Rating) Empowering Act 1980 (1980 No 5 (L))

Petone Borough Council Empowering Act 1926 (1926 No 17 (L))

Petone Borough Council Empowering Act 1931 (1931 No 1 (L))

Petone Borough Empowering Act 1924 (1924 No 18 (L))

Petone Borough Streets Act 1906 (1906 No 33 (L))

Petone Corporation Loan Empowering Act 1892 (1892 No 10 (L))

Petone Corporation Waterworks Act 1905 (1905 No 13 (L))

Picton Recreation Reserve Act 1896 (1896 No 3 (L))

Picton Recreation Reserve Amendment Act 1921–22 (1921 No 16 (L))

Pohangina County Act 1894 (1894 No 3 (L))

Porirua City (Financial Unification) Act 1976 (1976 No 1 (L))

Port Chalmers Corporation Empowering Act 1903 (1903 No 24 (L))

Port Chalmers Waterworks Act Amendment Act 1877 (1877 No 7 (L))

Portobello Road Board Enabling Act 1882 (1882 No 28 (L))

Puniu Reserves Sale Act 1895 (1895 No 6 (L))

Raglan Harbour Board Empowering Act 1954 (1954 No 14 (L))

Rangitikei County (Rating Validation) Act 1984 (1984 No 1 (L))

Remuera Road District Borrowing Act 1904 (1904 No 9 (L))

Reporoa Drainage Board Empowering Act 1947 (1947 No 1 (L))

Rotorua County Council Empowering Act 1977 (1977 No 7 (L))

Rotorua District (Rates Validation) Act 1981 (1981 No 7 (L))

Selwyn County Subdivision Act 1910 (1910 No 23 (L))

Silverpeaks County Council (Rates Validation) Act 1986 (1986 No 10 (L))

South Invercargill Borough Wards Validating Act 1924 (1924 No 16 (L))

Southland Harbour Board Act 1958 (1958 No 6 (L))

Southland Harbour Board Empowering Act 1933 (1933 No 6 (L))

Southland Harbour Board Empowering Act 1960 (1960 No 8 (L))

Southland Harbour Board Empowering Act 1968 (1968 No 9 (L))

Southland Harbour Board Reclamation and Empowering Act 1977 (1977 No 5 (L))

Sydenham Public Works Loan Validation Act 1885 (1885 No 13 (L))

Takapuna City Council (Rates Validation) Act 1977 (1977 No 2 (L))

Taranaki Botanic Garden Act Amendment Act 1907 (1907 No 10 (L))

Taranaki County Council Loan Act 1878 (1878 No 34 (L))

Taranaki County Council Loan Act 1878 Amendment Act 1881 (1881 No 1 (L))

Taupo County Council (Rates Remission and Postponement) Empowering Act 1970 (1970 No 22 (L))

Tauranga Borough Council and Bay of Plenty Harbour Board Empowering Act 1918 (1918 No 5 (L))

Tauranga Borough Council Empowering Act 1938 (1938 No 3 (L))

Tauranga Borough Council Empowering Act 1953 (1953 No 6 (L))

Tauranga City Council Empowering Repeal Act 1979 (1979 No 8 (L))

Tauranga Harbour Act 1912 (1912 No 19 (L))

Tawa Borough Empowering Act 1968 (1968 No 2 (L))

Tawera County Act 1909 (1909 No 32 (L))

Te Aroha Borough Council (Rating Validation) Act 1985 (1985 No 4 (L))

Te Aroha Borough Endowment Empowering Act 1970 (1970 No 8 (L))

Te Aroha Borough Water-Supply Empowering Act 1962 (1962 No 5 (L))

Te Kuiti Borough Empowering Act 1951 (1951 No 2 (L))

Te Matai Road Water-race District Act 1927 (1927 No 3 (L))

Te Ore Ore River Board Rating Act 1934 (1934 No 5 (L))

Thames Borough Boundaries Alteration Act 1918 (1918 No 10 (L))

Thames Borough Commissioner Act 1932 (1932 No 1 (L))

Thames Borough Commissioner Amendment Act 1934 (1934 No 10 (L))

Thames Borough Commissioner Amendment Act 1940 (1940 No 12 (L))

Thames Borough Loans Rate Adjustment Act 1928 (1928 No 1 (L))

Thames–Coromandel District Council Ambulance Levy Act 1981 (1981 No 5 (L))

Thames–Coromandel District Council (Rating Validation) Act 1987 (1987 No 6 (L))

Thames–Coromandel District Council (Whitianga Lump Sum Validation) Act 1996 (1996 No 6 (L))

Timaru Borough Loans Consolidation Act 1909 (1909 No 12 (L))

Timaru Harbour Board Act 1899 (1899 No 7 (L))

Timaru Harbour Board Amendment Act 1906 (1906 No 31 (L))

Timaru Harbour Board Empowering Act 1879 (1879 No 26 (L))

Timaru Harbour Board Empowering Act 1890 (1890 No 12 (L))

Timaru Harbour Board Empowering Act 1913 (1913 No 11 (L))

Timaru Harbour Board Loan Act 1881 (1881 No 13 (L))

Timaru Harbour Board Loan Act 1885 (1885 No 14 (L))

Timaru Harbour Board Loan Act 1899 (1899 No 21 (L))

Timaru Harbour Board Loan Act 1904 (1904 No 18 (L))

Timaru Harbour Board Loan Act 1929 (1929 No 8 (L))

Timaru Harbour Board Loan Act 1952 (1952 No 18 (L))

Timaru Harbour Board Loan Act 1955 (1955 No 13 (L))

Timaru Harbour Board Loan Act 1962 (1962 No 13 (L))

Timaru Harbour Board Loan Amendment Act 1937 (1937 No 9 (L))

Timaru Harbour Board Loan and Empowering Act 1959 (1959 No 12 (L))

Timaru Harbour District and Harbour Board Act 1903 (1903 No 17 (L))

Timaru Harbour District Rating Act 1894 (1894 No 26 (L))

Timaru Waterworks Act 1879 (1879 No 27 (L))

Tokomaru Bay Harbour Act 1915 (1915 No 8 (L))

Tokoroa Borough Council (Rates Validation) Act 1992 (1992 No 6 (L))

Tolaga Bay Harbour Act 1919 (1919 No 11 (L))

Tolaga Bay Harbour Board Empowering Act 1921 (1921 No 7 (L))

Tukituki Bridge Loans Act 1902 (1902 No 3 (L))

Tutukaka, Whangaruru, and Whananaki Harbours Control Act 1926 (1926 No 15 (L))

Uawa County Act 1918 (1918 No 6 (L))

Waiapu County Council Empowering Act 1930 (1930 No 8 (L))

Waiapu County Council (Tokomaru Harbour) Empowering Act 1910 (1910 No 16 (L))

Waiapu County Council (Tokomaru Harbour) Empowering Amendment Act 1943 (1943 No 4 (L))

Waiheke County Council (Loans) Act 1989 (1989 No 4 (L))

Waikohu County Act 1908 (1908 No 23 (L))

Waimairi County Act 1909 (1909 No 6 (L))

Waimairi County Differential Rate Empowering Act 1912 (1912 No 14 (L))

Waimakariri–Ashley Water-supply Board Loan Act 1894 (1894 No 19 (L))

Waimarino County Act 1902 (1902 No 19 (L))

Waimate Racecourse Reserve Act 1881 (1881 No 18 (L))

Waimate Racecourse Reserve Act 1881 Amendment Act 1903 (1903 No 2 (L))

Waimate Racecourse Trustees Empowering Act 1886 (1886 No 7 (L))

Waimate West County Act 1908 (1908 No 38 (L))

Waiorongomai Bridge Act 1892 (1892 No 22 (L))

Waipara County Act 1909 (1909 No 35 (L))

Waipawa County Act 1907 (1907 No 26 (L))

Wairarapa North County Council Empowering Act 1887 (1887 No 18 (L))

Wairarapa North County Loan Act 1898 (1898 No 21 (L))

Wairarapa South County Loan Act 1898 (1898 No 20 (L))

Wairau Harbour Board Empowering Act 1922 (1922 No 3 (L))

Wairau Harbour Board Loan and Enabling Act 1916 (1916 No 10 (L))

Wairau River District Loans Act 1922 (1922 No 4 (L))

Wairewa County Act 1909 (1909 No 33 (L))

Wairoa Harbour Act 1946 (1946 No 11 (L))

Waitara Borough Empowering Act 1940 (1940 No 2 (L))

Waitemata City Council Empowering Act 1975 (1975 No 9 (L))

Waitemata County Council Empowering Act 1956 (1956 No 8 (L))

Waitemata County Council Empowering Act 1962 (1962 No 4 (L))

Wanganui Borough Council Empowering Act 1920 (1920 No 18 (L))

Wanganui Borough Council Empowering and Acquisition Act 1920 (1920 No 1 (L))

Wanganui Borough Council Special Rate Empowering and Special Loan Act 1913 (1913 No 26 (L))

Wanganui Borough Council Street Access Empowering Act 1913 (1913 No 12 (L))

Wanganui Borough Council Street Access Empowering Amendment Act 1916 (1916 No 2 (L))

Wanganui City Council Empowering and Enabling Act 1925 (1925 No 10 (L))

Wanganui Harbour Board Empowering Act 1972 (1972 No 11 (L))

Wanganui Harbour Board Land Development Act 1974 (1974 No 11 (L))

Wanganui Harbour Board Vesting Act 1910 (1910 No 17 (L))

Wanganui Harbour Board Vesting Act 1911 (1911 No 16 (L))

Wanganui Harbour Board Vesting Act 1917 (1917 No 12 (L))

Wanganui Harbour District and Empowering Act 1913 (1913 No 18 (L))

Wanganui Harbour District and Empowering Amendment Act 1923 (1923 No 1 (L))

Wanganui Harbour District and Empowering Amendment Act 1926 (1926 No 5 (L))

Wanganui Harbour District and Empowering Amendment Act 1929 (1929 No 17 (L))

Wanganui Harbour District and Empowering Amendment Act 1935 (1935 No 7 (L))

Wanganui Harbour District and Empowering Amendment Act 1937 (1937 No 5 (L))

Wanganui Harbour District and Empowering Amendment Act 1954 (1954 No 15 (L))

Wanganui River Bridge No 2 Act 1911 (1911 No 40 (L))

Weber County Act 1902 (1902 No 23 (L))

Wellington (City) Suburbs Sanitation Act 1893 (1893 No 3 (L))

Wellington (City) Suburbs Water-supply Act 1895 (1895 No 7 (L))

Wellington (City) Water-supply Loan-moneys Diversion Act 1909 (1909 No 3 (L))

Wellington City Abattoir Loan Act 1919 (1919 No 10 (L))

Wellington City Boundaries Act 1878 (1878 No 51 (L))

Wellington City Council (Capital Power Establishment Plan) Empowering Act 1993 (1993 No 6 (L))

Wellington City Empowering Act 1899 (1899 No 12 (L))

Wellington City Empowering Act 1921 (1921 No 11 (L))

Wellington City Empowering Act 1934 (1934 No 14 (L))

Wellington City Empowering Act 1936 (1936 No 11 (L))

Wellington City Empowering and Amendment Act 1911 (1911 No 42 (L))

Wellington City Empowering and Amendment Act 1919 (1919 No 6 (L))

Wellington City Empowering and Amendment Act 1932 (1932 No 4 (L))

Wellington City Empowering and Amendment Act 1937 (1937 No 17 (L))

Wellington City Empowering and Amendment Act 1943 (1943 No 1 (L))

Wellington City Empowering and Special Rates Consolidation Act 1923 (1923 No 13 (L))

Wellington City Empowering and Special Rates Consolidation Amendment Act 1933 (1933 No 9 (L))

Wellington City Housing Act 1938 (1938 No 11 (L))

Wellington City Sanitation Loan Act 1897 (1897 No 1 (L))

Wellington City Trading Departments' Reserve and Renewal Funds Act 1917 (1917 No 5 (L))

Wellington City Trading Departments' Reserve and Renewal Funds Amendment Act 1950 (1950 No 11 (L))

Wellington Harbour Board Act 1879 (1879 No 13 (L))

Wellington Harbour Board Empowering Act 1902 (1902 No 6 (L))

Wellington Harbour Board Empowering Act 1902 Amendment Act 1903 (1903 No 5 (L))

Wellington Harbour Board Empowering Act 1910 (1910 No 35 (L))

Wellington Harbour Board Loan and Empowering Act 1952 (1952 No 17 (L))

Wellington Harbour Board Loan and Empowering Act 1957 (1957 No 4 (L))

Wellington Harbour Board Loan and Empowering Act 1959 (1959 No 4 (L))

Wellington Harbour Board Loan and Empowering Act 1961 (1961 No 6 (L))

Wellington Harbour Board Loan and Empowering Act 1964 (1964 No 6 (L))

Wellington Harbour Board Loans Consolidation and Empowering Act 1884 (1884 No 7 (L))

Wellington Harbour Board Reclamation and Empowering Act 1898 (1898 No 1 (L))

Wellington Harbour Board Reclamation and Empowering Act 1903 (1903 No 6 (L))

Wellington High Levels Tramway Act 1898 (1898 No 25 (L))

Wellington High Levels Tramway Amendment and Empowering Act 1935 (1935 No 18 (L))

Wellington Reserves Act 1876 Amendment Act 1877 (1877 No 54 (L))

Whakatane County Act 1899 (1899 No 26 (L))

Whakatane County Act Amendment Act 1908 (1908 No 11 (L))

Whakatane County Council Empowering and Loan-moneys Diversion Act 1927 (1927 No 2 (L))

Whakatane District Council (Rates Assessment Validation) Act 1995 (1995 No 2 (L))

Whakatane District Council Empowering Act 1987 (1987 No 3 (L))

Whangamomona County Act 1907 (1907 No 13 (L))

Whangarei Abattoir Site Act 1908 (1908 No 42 (L))

Whangarei Borough Empowering Act 1918 (1918 No 12 (L))

Whangarei Borough Empowering Amendment Act 1922 (1922 No 25 (L))

Whangarei Borough Repayment of Kensington Park Rate Enabling Act 1903 (1903 No 28 (L))

Whangarei City Constitution Act 1965 (1965 No 9 (L))

Whangarei Foreshore Vesting Act 1913 (1913 No 15 (L))

Whangarei Harbour Act 1907 (1907 No 31 (L))

Whangarei Harbour Board Empowering Act 1914 (1914 No 2 (L))

Whangarei Harbour Board Empowering Act 1921–22 (1921–22 No 20 (L))

Whangarei Harbour Board Empowering Act 1960 (1960 No 3 (L))

Whangarei Harbour Board Empowering Act 1963 (1963 No 2 (L))

Whangarei Harbour Board Vesting Act 1917 (1917 No 14 (L))

Whangarei Harbour Board Vesting Act 1928 (1928 No 14 (L))

Whangarei Harbour Board Vesting Act 1932–33 (1932–33 No 11 (L))

Whangarei Harbour Board Vesting Amendment Act 1951 (1951 No 1 (L))

Whangarei Harbour Board Vesting and Empowering Act 1919 (1919 No 18 (L))

Whangarei Harbour Board Vesting and Empowering Act 1923 (1923 No 10 (L))

Whangarei Harbour Board Vesting and Empowering Act 1925 (1925 No 8 (L))

Whangarei Harbour Board Vesting and Empowering Act 1927 (1927 No 6 (L))

Whangarei Harbour Board Vesting and Empowering Act 1950 (1950 No 13 (L))

Whangarei Harbour Board Vesting and Empowering Act 1961 (1961 No 3 (L))

Whangarei Harbour Board Vesting and Empowering Act 1962 (1962 No 8 (L))

Whangarei Harbour Board Vesting and Empowering Act 1963 (1963 No 14 (L))

Whangarei Milk Authority Empowering Act 1949 (1949 No 11 (L))

Woodville County Act 1901 (1901 No 1 (L))

Schedule 20
Orders in Council revoked

s 272

Bay of Plenty Catchment Commission and Regional Water Board Administrative Expenses Recovery Act Commencement Order 1978 (SR 1978/7)

Local Government Act First Schedule Order (No 2) 1989 (SR 1989/160)

Local Government Act First Schedule Order (No 3) 1989 (SR 1989/224)

Local Government Act First Schedule Order 1991 (SR 1991/224)

Local Government Amendment Act Commencement Order 1992 (SR 1992/214)

Local Government Amendment Act (No 5) 1996 Commencement Order 1999 (SR 1999/276)

Public Bodies Contracts Order 1997 (SR 1997/113)

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008

Public Act	2008 No 64
Date of assent	9 September 2008
Commencement	see section 2

1 Title

This Act is the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Amendments to Statutes

Amendments to Local Government Act 2002

7 Amendments to Local Government Act 2002

(1) This section amends the Local Government Act 2002.

(2), (3) *Amendment(s) incorporated in the Act(s).*

(4) The amendments made by subsections (2) and (3) do not limit the power of the District Court under clause 2 of Schedule 7 of the Local Government Act 2002.

Section 7(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Local Government Act 2002 Amendment Act 2010

Public Act	2010 No 124
Date of assent	26 November 2010
Commencement	see section 2

1 Title

This Act is the Local Government Act 2002 Amendment Act 2010.

2 Commencement

(1) Section 17 comes into force on 1 July 2011.

(2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 2
Consequential amendments and transitional provisions

Transitional provisions

51 Transitional provision for long-term plan beginning on 1 July 2009

(1) This section applies to a long-term plan beginning on 1 July 2009 and still in force at the commencement of this section.

(2) The amendments made by this Act to Schedule 10 of the principal Act do not apply to a long-term plan specified in subsection (1), and nothing in this Act requires that long-term plan to be amended to ensure it complies with the requirements of the principal Act as amended by this Act.

(3) Until a local authority has adopted a financial strategy under section 101A of the principal Act (as inserted by section 18 of this Act), it must amend its liability management policy or investment policy only as an amendment to its long-term plan as if the amendments enacted by this Act had not been made.

52 Transitional provision for annual plans

(1) This section applies to an annual plan that relates to the period—

(a) 1 July 2010 to 30 June 2011; or

(b) 1 July 2011 to 30 June 2012.

(2) The amendments made by this Act to section 85(2)(a) and Schedule 10 of the principal Act do not apply to an annual plan specified in subsection (1), and nothing in this Act requires that annual plan to be amended to ensure it complies with the requirements of the principal Act as amended by this Act.

53 Transitional provision for audit of information in annual report and summary

(1) This section applies to an annual report that relates to the period—

(a) 1 July 2009 to 30 June 2010; or

(b) 1 July 2010 to 30 June 2011; or

(c) 1 July 2011 to 30 June 2012.

(2) The amendments made by this Act to Schedule 10 of the principal Act do not apply to an annual report specified in subsection (1).

(3) The amendments made by this Act to section 99 of the principal Act do not apply to the auditor's report on the annual reports specified in subsection (1).

54 Transitional provision for pre-election report

(1) Despite section 99A of the principal Act (as inserted by section 17 of this Act), a pre-election report required in relation to the triennial general election of local authorities in 2013 need not comply with clause 36(1)(a)(i) and (iii) of Schedule 10 of the principal Act (as substituted by this Act), but must instead include—

(a) the funding impact statement referred to in clause 30 of Schedule 10 of the principal Act (as substituted by this Act) for the financial year ending in 2013; and

(b) a summary of cash flows based on the financial statements referred to in clause 29 of Schedule 10 of the principal Act (as substituted by this Act) for the last 3 years ending before the date of the election in 2013.

(2) The summary of cash flows must disclose income from rates and payments for property, plant, equipment, and intangible assets separately.

55 Transitional provision for identification and reporting of community outcomes

A local authority is not required to comply with, or complete the compliance with, an obligation under section 91 or 92 of the principal Act that existed before the repeal of those provisions by section 13 of this Act.

56 Transitional provision for review of certain funding and financial policies

(1) This section applies to a review of the following policies:

(a) a local authority's policy on the remission and postponement of rates on Māori freehold land under section 108(4A) of the principal Act (as inserted by section 25 of this Act):

(b) a local authority's rates remission policy under section 109(2A) of the principal Act (as inserted by section 26 of this Act):

(c) a local authority's rates postponement policy under section 110(2A) of the principal Act (as inserted by section 27 of this Act).

(2) A policy specified in subsection (1) is to be treated as having been last reviewed on the date that the local authority adopted its long-term plan for the period beginning on 1 July 2009.

Local Government Act 2002 Amendment Act 2012

Public Act	2012 No 93
Date of assent	4 December 2012
Commencement	see section 2

1 Title

This Act is the Local Government Act 2002 Amendment Act 2012.

2 Commencement

(1) Section 21 comes into force on 12 October 2013.

(2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Local Government Act 2002 (the **principal Act**).

Part 2
Transitional provision and consequential amendments

41 Commissioners and commissions currently appointed under principal Act

A Commissioner appointed under section 255 or a commission appointed under clause 14(a) of Schedule 15 of the principal Act and in office immediately before the commencement of this section is, on and from the commencement of this section, deemed to be a Commission appointed under Part 10 of the principal Act (as replaced by section 31 of this Act), and that Part applies with all necessary modifications.

42 Transitional provision relating to reorganisation proposals

(1) This section applies to a reorganisation proposal made under Schedule 3 of the principal Act before the commencement of Part 1 of this Act.

(2) The principal Act continues to apply to the reorganisation proposal as if Part 1 of this Act had not been enacted.

Local Government (Alcohol Reform) Amendment Act 2012

Public Act	2012 No 121
Date of assent	18 December 2012
Commencement	see section 2

1 Title

This Act is the Local Government (Alcohol Reform) Amendment Act 2012.

2 Commencement

This Act comes into force on the day 12 months after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Local Government Act 2002 (the **principal Act**).

Transitional provisions

10 References in bylaws to liquor

Every reference to liquor in a bylaw under section 147(2) made before the commencement of this Act has effect as a reference to alcohol within the meaning of section 147(1).

11 Existing bylaws to expire

Unless earlier revoked, a bylaw under section 147(2) made before the commencement of this section expires 5 years after the commencement of this Act.

12 Processing of certain proposals for bylaws

If before the commencement of this Act proposals for a bylaw under section 147(2) have been released for public consultation,—

(a) the bylaw may be made as if section 4 had not been enacted; but

(b) it expires 5 years after it is made.

Notes

1 General

This is a consolidation of the Local Government Act 2002 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Taxation (Annual Rates for 2024–25, Emergency Response, and Remedial Measures) Act 2025 (2025 No 9): section 268

Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9): sections 10–13

Water Services Acts Repeal Act 2024 (2024 No 2): section 12(1)

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Local Government Electoral Legislation Act 2023 (2023 No 57): Part 2

Natural and Built Environment Act 2023 (2023 No 46): section 805(1)

Water Services Entities Amendment Act 2023 (2023 No 44): Part 2 subpart 4

Civil Aviation Act 2023 (2023 No 10): section 486

Water Services Entities Act 2022 (2022 No 77): section 223

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24)

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Water Services Act 2021 (2021 No 36): Part 5

Local Government (Rating of Whenua Māori) Amendment Act 2021 (2021 No 12): sections 77, 78

Secondary Legislation Act 2021 (2021 No 7): section 3

Infrastructure Funding and Financing Act 2020 (2020 No 47): section 161

Urban Development Act 2020 (2020 No 42): section 300

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Privacy Act 2020 (2020 No 31): section 217

Local Government (Ōpōtiki District Council) Order 2019 (LI 2019/331)

Local Government (Ōtorohanga District Council) Order 2019 (LI 2019/330)

Legislation (Repeals and Amendments) Act 2019 (2019 No 59): section 14

Local Government Act 2002 Amendment Act 2019 (2019 No 54): Part 1

Local Government (Manawatū–Whanganui Regional Council) Order 2019 (LI 2019/221)

Local Government (Community Well-being) Amendment Act 2019 (2019 No 17)

Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12): section 73

Local Government Regulatory Systems Amendment Act 2019 (2019 No 6): Part 4

Land Transport Management (Regional Fuel Tax) Amendment Act 2018 (2018 No 15): section 10

Land Transfer Act 2017 (2017 No 30): section 250

Fire and Emergency New Zealand Act 2017 (2017 No 17): sections 197, 199, 200

District Court Act 2016 (2016 No 49): section 261

Local Government (Whanganui District Council) Order 2015 (LI 2015/275)

Local Government Act 2002 Amendment Act 2015 (2015 No 21)

Local Government Act 2002 Amendment Act 2014 (2014 No 55)

Food Act 2014 (2014 No 32): section 447

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 126

Local Government Act 2002 Amendment Act 2013 (2013 No 124)

Maritime Transport Amendment Act 2013 (2013 No 84): section 90

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121)

Local Government Act 2002 Amendment Act (No 2) 2012 (2012 No 107)

Local Government Act 2002 Amendment Act 2012 (2012 No 93)

Search and Surveillance Act 2012 (2012 No 24): sections 270, 271

Building Amendment Act 2012 (2012 No 23): section 91

Criminal Procedure Act 2011 (2011 No 81): section 413

Local Government Act 2002 Amendment Act 2010 (2010 No 124)

Electricity Industry Act 2010 (2010 No 116): section 166

Taxation (Annual Rates, Trans-Tasman Savings Portability, KiwiSaver, and Remedial Matters) Act 2010 (2010 No 109): section 211

Affordable Housing: Enabling Territorial Authorities Act Repeal Act 2010 (2010 No 101): section 7

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1), (2)

Local Government Amendment Act 2009 (2009 No 48)

Local Government (Auckland Council) Act 2009 (2009 No 32): section 36

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Affordable Housing: Enabling Territorial Authorities Act 2008 (2008 No 67): section 38

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 7

Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60): section 17

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30): section 38

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Health (Drinking Water) Amendment Act 2007 (2007 No 92): sections 16, 17

Local Government Act 2002 Amendment Act 2007 (2007 No 69)

Evidence Act 2006 (2006 No 69): section 216

Local Government (Rating) Amendment Act 2006 (2006 No 28): section 15

Local Government Act 2002 Amendment Act 2006 (2006 No 26)

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

Building Act 2004 (2004 No 72): section 414

Local Government Act 2002 Amendment Act 2004 (2004 No 63)

Local Government (Auckland) Amendment Act 2004 (2004 No 57): section 48(1)(b)

Local Government (Tauranga City Council) Order 2003 (SR 2003/275): clause 5

Local Government Act 2002 (2002 No 84): sections 5A(4), 67(6), 67A(2), 83B(2), 83C(4), 83D, 93DA(3), 93DA(3), 94A(5), 94A(5), 95AAA(3), 98(8), 98A(2), 160B(3), Schedule 1AA clause 24, Schedule 7 clauses 25B(7), 25B(7), Schedule 8 clause 4A(3)

Public Finance Act 1989 (1989 No 44): section 65R(3)

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